

1 Wednesday, 12<sup>th</sup> April 2000

2 [Open session]

3 [The witness entered court]

4 [The accused entered court]

5 --- Upon commencing at 9.35 a.m.

6 JUDGE RODRIGUES: [Interpretation] Good

7 morning, ladies and gentlemen. Are the interpreters

8 here? Yes. I am glad that you are still well and

9 kicking. Good morning to the Prosecution and the

10 Defence, Mr. Krstic, the Court reporters, and the

11 witness, who is here too. Good morning. Have you had

12 a good rest, Witness?

13 THE WITNESS: Yes, thank you. Good morning.

14 JUDGE RODRIGUES: [Interpretation] And are you

15 feeling well?

16 THE WITNESS: Yes, thank you.

17 JUDGE RODRIGUES: [Interpretation] So we're

18 going to resume our hearing with your testimony, and it

19 is Mr. McCloskey who is going to continue with the

20 questions. You have the floor, sir.

21 MR. McCLOSKEY: Thank you, Mr. President.

22 WITNESS: WITNESS L [Resumed]

23 Examined by Mr. McCloskey: [Cont'd]

24 Q. Witness L, yesterday we left off where you

25 came to the execution area with a small group of fellow

1 Muslim men and were shot down and you were lying in the  
2 field listening to things. Can you tell us, as you lay  
3 there after your fellows had been shot, what you heard  
4 happening around you as the time went on?

5 A. When the men had been killed, I heard a group  
6 getting together who called each other by name, and  
7 they were talking. I then recognised one of them  
8 called Gojko Simic, who used to work with me in the  
9 same company for at least 15 years.

10 Q. Now, let me ask you about that. You say you  
11 saw -- or you say, excuse me, you heard men speaking.  
12 Were those -- how do you know they weren't Muslim men  
13 that had survived?

14 A. I know because they called each other by  
15 name.

16 Q. And what names did you hear them call each  
17 other?

18 A. I heard Gojko, Vojo, Risto, and they called  
19 another one by nickname, but I haven't remembered that  
20 nickname.

21 Q. And how long did you have a chance to hear  
22 these men speaking to each other?

23 A. For about five minutes.

24 Q. And were you able to hear the voice of the  
25 person -- of the various people clearly?

1           A.    Yes.  I heard this one in particular, the one  
2 I knew.  He said that he should kiss those of us who  
3 had been killed because he thought we were all dead.

4           Q.    How was it that you were able to recognise  
5 Gojko's voice?

6           A.    Because I knew him for many years, and his  
7 voice was typical.  He didn't have a very clear way of  
8 expressing himself.  There was a lisp in his voice.

9           Q.    How did you know him from?

10          A.    I knew him because we worked in the same  
11 company and we also come from the same municipality.

12          Q.    Do you know where he was from, what village?

13          A.    The village of Orahovac, Zvornik  
14 municipality, and Grbovci and Orahovac belong to the  
15 same local community, I think.

16          Q.    Do you know how many years ago you worked  
17 with him in the company in Belgrade?

18          A.    I think from 1977 until 1992.

19          Q.    What was your connection with him at the  
20 company?  Were you equal workers or what?

21          A.    We were both of the same occupation.  We  
22 never argued.  We were always on good terms with one  
23 another.

24          Q.    And were you friends?  Did you see each other  
25 socially?

1           A.    We did.  We were acquaintances at work, but  
2 we never visited one another, because we lived quite a  
3 way away from one another.

4           Q.    When was the last time you had actually seen  
5 him before the war?

6           A.    In 1992, on the 3rd of April, when I left  
7 Belgrade.

8           Q.    Could you describe Gojko Simic for us?  What  
9 did he look like?

10          A.    Gojko Simic was rather like me by height,  
11 perhaps a little lower.  He had more hair than me.  He  
12 had two golden teeth.  He was fair.

13               MR. McCLOSKEY:  Can we show the witness  
14 Exhibit 100?  And could we put it on the ELMO so we can  
15 point it out?

16               THE REGISTRAR:  It is a protected witness, so  
17 there could be a problem if you place the photograph on  
18 the ELMO.

19               MR. McCLOSKEY:  The people in the photographs  
20 are not protected, but thank you for your --

21          Q.    All right.  And let me ask you the question.  
22 Can you -- I've shown you this photograph within the  
23 last day or two and asked you to point out Gojko  
24 Simic.  Were you able to do that when I asked you to do  
25 it?

1           A.     Yes.

2           Q.     Again, could you point out the person that  
3     you recognise as Gojko Simic?

4           A.     [Indicates]

5           Q.     Okay. Thank you.

6           MR. McCLOSKEY: For the record, that was the  
7     middle person in the bottom row. Thank you.

8           Q.     And prior to hearing the soldiers speaking,  
9     referring to themselves -- or referring to each other  
10    as Gojko, Vojo, and Risto, did you hear the sounds of  
11    any equipment or anything besides the trucks that were  
12    dropping off victims?

13          A.     Yes. To the left there was a dredger, we  
14    used to call it, excavating machine, that was digging a  
15    hole.

16          Q.     Okay. Now, as you're listening to Gojko and  
17    the others talk, could you get an idea of how many were  
18    in the group?

19          A.     According to my judgement, because three of  
20    them were left behind when they went off to another  
21    place to kill some more, there were several of them.

22          Q.     Can you tell us what else you heard this  
23    small group of soldiers talking about as you were lying  
24    nearby?

25          A.     When they got together, close to this

1 earth-moving machine, all of them wanted to go to the  
2 meadow to kill people. That is what they said. Then  
3 the person driving the machine said, "If you turn off  
4 the machine, I will go with you. I don't want to go on  
5 working." And then Gojko Simic said, "Collect your  
6 ammunition and let's go to the meadow to kill the men,"  
7 the meadow from which the hay had been collected. When  
8 he left, three Serb soldiers stayed behind.

9 Q. Now, were you able to see any of this, or  
10 were you just hearing this?

11 A. I could only discern them in the dark. I  
12 couldn't really see them, it was dark.

13 Q. Is there any doubt in your mind that the  
14 voice you heard was that of Gojko Simic?

15 A. There is no doubt in my mind. I am 100 per  
16 cent sure.

17 Q. Could you tell from the discussions that you  
18 heard who was in charge of this small group of  
19 soldiers?

20 A. According to what he said, the order was to  
21 collect the ammunition and to go to the meadow. So  
22 judging by that, I conclude that he was the leader.

23 Q. That Gojko Simic was the leader?

24 A. Yes, yes.

25 Q. Now, I want to direct to you a time that you

1 provided a statement to Jean-Rene Ruez. And I notice  
2 in your statement it says that, "I saw a group of seven  
3 or eight men who obviously did the shooting. They were  
4 standing not far away from the backhoe and were dressed  
5 in camouflage uniforms."

6 Can you tell us, did you actually see them or  
7 did you just hear them? Can you explain that?

8 A. I only heard them, I didn't see them.

9 Q. Okay. And then after that there's a  
10 statement that says, "Among them, I'm absolutely sure  
11 that I recognised a Serb who used to work with me. His  
12 name is Gojko Simic." Now, the term "recognised" --

13 A. I told you, I recognised him by his voice and  
14 by the name I heard called out.

15 Q. What happened after the discussions that the  
16 soldiers had among themselves where they talked about  
17 going over to another field? What's the next thing you  
18 recall happening?

19 A. When they left, the loader came with the  
20 lights on. The excavator had the lights on too, but  
21 they were turned in the opposite direction. When this  
22 loader came, it stopped next to the backhoe and the two  
23 of them talked. I didn't hear what they said. Then  
24 the person who was probably closest to the loader and  
25 who was still alive, he jumped off and ran into the

1 woods.

2           They shot after him and the person on the  
3 loader turned the lights around towards the woods,  
4 probably to light him up, and at that moment, I moved.  
5 He cried out, "Here's another man who's escaping." I  
6 looked around a little bit but they weren't going  
7 towards me.

8           So crawling, I reached the embankment next to  
9 the rail track. I looked around, no one was following  
10 me. When I jumped to my feet, I had to run up hill.  
11 It was like going up to the first floor, but it could  
12 have been the embankment along the rail track.

13           I know that they fired some shots, but I  
14 didn't feel any bullets close to me, nor was I hit,  
15 luckily.

16           I ran across the rails, I fell over the other  
17 side, then I got up again. There was a cornfield  
18 there.

19       Q.   Let me ask you a couple of questions if I  
20 could. Can you tell me when you were first able to  
21 actually see anything?

22       A.   When I took the blindfold off.

23       Q.   When was that in relation to the events that  
24 you've described?

25       A.   It could have been two or three hours after



1 this tragedy. When it was really dark and they had  
2 moved away from me, I took off the blindfold and I  
3 crawled from under the bodies that were on top of me.

4 Q. And were you able to actually see these  
5 machines that you've talked about with their lights on?

6 A. The machine that came with the lights on, it  
7 arrived just before I was -- I got up and ran away  
8 whereas the excavator was probably there before I had  
9 arrived, and its lights were turned in the opposite  
10 direction so that the back side of the machine was  
11 facing us.

12 Q. But were you actually able to see those  
13 machines without your blindfold on when you crawled out  
14 from under the bodies?

15 A. Yes, yes.

16 Q. The excavator you're talking about or  
17 backhoe, did that have tracks on it or wheels or what?

18 A. Wheels.

19 Q. Okay. Can you describe it, as best you can,  
20 this thing you are calling an excavator?

21 A. You mean the loader? It was yellow; because  
22 building machinery in our country were, as a rule,  
23 yellow in colour the trademark was KU 150.

24 Q. Okay. Now you've described something that  
25 was called an excavator and you've described something

1 that you called a loader. Those were the two machines  
2 that you've talked about; is that right?

3 A. Yes.

4 Q. So what did the loader look like besides  
5 being yellow?

6 A. In front, it had the actual loader to collect  
7 the material.

8 Q. That's like a big bucket that can scoop up  
9 material and load it in the back of a truck; is that  
10 right?

11 A. Yes.

12 Q. The excavator, can you describe what the  
13 excavator looked like, how it was different from the  
14 loader?

15 A. The excavator has a longer fork and it is  
16 used for digging big holes in the ground.

17 Q. It has a big, long arm that can bend and has  
18 a bucket in the bottom of it and usually digs by  
19 pulling it backwards; is that right?

20 A. Yes. It goes like this and then it turns  
21 backwards towards itself again.

22 Q. You had described your narrow escape from  
23 this immediate spot. Can you go on and continue to  
24 tell us where you went?

25 A. When I ran into the corn half way, I went

1 upright and then I fell down to the ground, afraid of  
2 rifle fire. So on all fours, I went through the corn  
3 and then I arrived in an area where I could hear water,  
4 but I couldn't see it.

5               Serb soldiers that were left behind, they  
6 fired a few shots into the maize and I heard a few  
7 words exchanged.

8               Further down, I only heard the shooting.  
9 When silence fell, I started thinking where I should go  
10 because I didn't know where I was as I was brought  
11 there blindfolded.

12              I got up and started walking. When I came  
13 out of the corn, I was terribly afraid I might come  
14 across them somewhere. So I climbed on to the rail  
15 track and started walking along it slowly.

16              I reached a railway station. There was an  
17 office that was open there. There was nothing inside.  
18 So I concluded I was going in the wrong direction. I  
19 could see a village down there. Then I went back  
20 again. I retraced my steps and I kept thinking where I  
21 should go.

22              I came across a road where I saw that other  
23 location where men had been executed in the meadow. It  
24 seemed to me that one of them showed signs of life, but  
25 there was no hope. He was squealing like an animal,

1 and he was slightly removed from the others. I still  
2 didn't know where I was. So I thought I should go into  
3 the woods.

4 Q. Let me ask you some questions, excuse me.

5 Now, when you left that railway station, you  
6 started walking back in the original direction had you  
7 come from; is that right?

8 A. No, I was going the other way because I know  
9 if I went along the rail track to the right, I would be  
10 going to the same place and if I go left, I would be  
11 going in the opposite direction.

12 Q. But you were generally heading in a similar  
13 direction as to where you came from but not precisely  
14 back to where you had been shot at; is that right?

15 A. Yes. Yes, yes. I was going back in the  
16 direction from which they had brought us. But if you  
17 cross to the other side, if you take the left tracks,  
18 you go towards Grbovci, and if you take the right-hand  
19 tracks you were going to the opposite direction.

20 Q. Now, when you came back to the area where  
21 this man was still dying, was it still dark out?

22 A. It was. It was still dark.

23 Q. Did you see any soldiers or any equipment  
24 around this one spot?

25 A. No, I didn't see any equipment.

1 Q. Were you able to make out anything in the  
2 darkness about how many people were on this field?

3 A. There were a lot of bodies and clothes.  
4 There was moonlight so I could see them, but I didn't  
5 get closer than 20 metres away so I couldn't tell you  
6 how many there were.

7 Q. Could you tell where this field was in  
8 relation to the field where you had been shot at and  
9 shot down with the others?

10 A. It wasn't very far, maybe 100 or 200 metres  
11 only. It was on one side of the track.

12 Q. This second site that --

13 A. There was a stream nearby.

14 Q. So this second site that you saw was on the  
15 other side of the railroad tracks from the area that  
16 you had been shot down?

17 A. Yes, yes. On the other side, yes.

18 Q. This summer, did you have a chance to go  
19 back to this area with Mr. Ruez and the investigative  
20 team?

21 A. I did.

22 Q. And the place that -- Mr. Ruez first took you  
23 to the school, didn't he?

24 A. Yes, he did.

25 Q. The school that he took you to, did you

1 recognise it?

2 A. I did recognise it.

3 Q. Did you have a chance to go in it, into the  
4 gym?

5 A. I entered the gym, yes.

6 Q. Was that the place Mr. Ruez took you, the  
7 school in the gym, the same place that the Serb  
8 soldiers had taken you back in July of 1995?

9 A. Yes, it is the same gym and the same school.  
10 Everything was the same.

11 Q. Okay. Now, after Mr. Ruez took you to the  
12 school, did he take you out to some fields nearby?

13 A. He did.

14 Q. Did you recognise those fields that  
15 Mr. Ruez took you to?

16 A. Well, I did, because there's the field and  
17 the maize, and the maize was still there. Maybe this  
18 autumn somebody cut it, but the old maize is still  
19 there.

20 Q. What other distinctive features did you  
21 notice this summer when you went back with Mr. Ruez,  
22 that you recognised from your experience?

23 A. As I said, my assessment was that there was  
24 this slope I had to climb to reach the rail tracks, and  
25 I recognised that too.

1 Q. Did you see railroad tracks at this site this  
2 summer?

3 A. Yes, I did see the railway tracks.

4 Q. And the site where you were shot down, was  
5 that closer to the asphalt road or farther away than  
6 the other site?

7 A. Further aside from the road, on the other  
8 side of the tracks. They were on the other location,  
9 on the mown meadow, which was closer to the road.

10 Q. And after -- let me take you back now to July  
11 of 1995. It's still dark out. You've just come across  
12 this other field of bodies. Were you able to escape  
13 into the night and later escape to the free territory?

14 A. No, I didn't escape to the free territory on  
15 that night.

16 Q. How many days did it take you wandering  
17 through the woods until you were able to escape to the  
18 free territory?

19 A. I could have reached the area within two  
20 hours, if I had known, if I had known it, if I had  
21 known my way, but I kept wandering for at least ten  
22 days.

23 Q. And then did you finally make it?

24 A. Yes, thank God.

25 Q. Were you by yourself the whole time or did

1 you have any -- run into any company, any friendly  
2 company, that is?

3 A. I was by myself all the time.

4 MR. McCLOSKEY: Thank you very much. I have  
5 no further questions.

6 JUDGE RODRIGUES: [Interpretation] Thank you,  
7 Mr. McCloskey.

8 Witness L, now you are going to answer  
9 questions that will be put to you by Mr. Petrusic, who  
10 is representing the Defence in this case.

11 Mr. Petrusic, you have the floor.

12 MR. PETRUSIC: [Interpretation] Good morning,  
13 Your Honours; good morning, my colleagues.

14 Cross-examined by Mr. Petrusic:

15 Q. Good morning, Witness L. Witness L, while  
16 you were living in Srebrenica, you were not engaged in  
17 the military in any way?

18 A. No, I wasn't.

19 Q. Were you living together with your brother?

20 A. Yes, we lived together; not before the war,  
21 but after the war, yes.

22 Q. Your brother was in the military; he was  
23 there as a cook?

24 A. Yes, he was.

25 Q. Witness L, if you could please pause before



1 you answer my question, because there are interpreters  
2 who have to interpret everything we say here.

3 A. Yes, I'll do that.

4 Q. Did you ever hear from your brother about a  
5 possible fall of Srebrenica?

6 A. No, I didn't hear anything from him. Nobody  
7 knew five or six days before it happened that it would  
8 fall.

9 Q. On the 6th of July the shelling started. Did  
10 people at that moment start to talk about the fall of  
11 Srebrenica?

12 A. No, they did not.

13 Q. So on the 11th of July you reached Susnjari?

14 A. Yes.

15 Q. You said in evidence that the commanders had  
16 decided that you should go through the woods.

17 A. Yes.

18 Q. Could you tell us whether they were military  
19 commanders?

20 A. There were both military commanders and  
21 personnel who was working at the Srebrenica  
22 municipality. They were also some kind of commanders.

23 Q. So would that include both political and  
24 military leaders of the municipality?

25 A. Yes, it would.

1 Q. Did they say anything about the population,  
2 the people who were supposed to go to Potocari and the  
3 people who were supposed to go to the woods?

4 A. No, they didn't say anything about that, but  
5 we knew that Srebrenica had over 40.000 inhabitants,  
6 and therefore I think that there were about 15.000  
7 able-bodied men, including young men, who didn't dare  
8 go to Potocari.

9 Q. After you had spent the night between the  
10 12th and the 13th of July somewhere in the woods around  
11 the area of Buljim you surrendered on the 13th of July,  
12 around 3.00 in the afternoon, to the VRS soldiers?

13 A. Yes, I did.

14 Q. Your column, according to what you have said,  
15 had about 200 people?

16 A. According to my estimate, my column had about  
17 400 people, but not everybody came with me; some people  
18 had arrived even before, and they kept coming  
19 afterwards as well.

20 Q. In the evening, after General Mladic had  
21 spoken to you, and before the buses and trucks had  
22 arrived, the buses that you later on boarded to go in  
23 the direction of Bratunac, how many people could have  
24 been on that meadow at that time?

25 A. At least 2.000 people. The meadow was

1 crowded with people. People were sitting next to each  
2 other. There were between 30 and 40 rows -- the rows  
3 were between 30 and 40 meters long.

4 Q. According to your knowledge, did everybody go  
5 in the direction of Bratunac?

6 A. No, not everybody did.

7 Q. You were in the trailer of one of the  
8 trucks. Could you tell us how many people were put on  
9 the buses and trucks at that point in time, when you  
10 sat out?

11 A. No, I couldn't tell you anything about that.  
12 I didn't know how many people there were. I don't  
13 remember the figures. The moment I entered the truck,  
14 I didn't know what was happening with other people. My  
15 brother had stayed behind, and I never saw him after  
16 that.

17 Q. Witness L, as you were coming down the hill,  
18 going towards the road where you eventually  
19 surrendered, did you notice any vehicles?

20 A. We saw several artillery vehicles, two or  
21 three of them, when we reached the road. There was an  
22 APC near the place where we were, and that's all, aside  
23 from the buses and trucks that kept passing by carrying  
24 women and children to Tuzla.

25 Q. Let me go back to the meadow for a second.

1 Could you observe any other groups of people from the  
2 spot where you were?

3 A. No. I could only see that one group of  
4 people.

5 Q. You saw some insignia, some patches with  
6 Republika Srpska Army letters written on it?

7 A. Well, we saw one person wearing a kind of  
8 black scarf. He seemed to be in charge, and he was the  
9 one who told us that we would be exchanged. And he had  
10 a white patch on his sleeve, with letters VRS,  
11 Republika Srpska Army, on it.

12 Q. In addition to the letters, Armija Republika  
13 Srpska, was there anything else on that patch?

14 A. I think that they had the four letters S, but  
15 it was difficult for me to observe that. And also  
16 their patches seemed to be damaged.

17 Q. Witness L, you testified that there were four  
18 young boys in the gymnasium.

19 A. Yes.

20 Q. Do you know what happened to them?

21 A. Those children were set free, because after I  
22 had reached the free territory I inquired about the  
23 release of the four young boys, and they told me that  
24 they had been released.

25 JUDGE RODRIGUES: [Interpretation]

1 Mr. Petrusic, I'm sorry to interrupt you, but I can see  
2 in the transcript that the witness has mentioned four  
3 letters S. In the French interpretation I was told  
4 that the letters were written in Cyrillic alphabet,  
5 which I cannot see in the English transcript. Yes, but  
6 I still think it's very important. Perhaps,  
7 Mr. Petrusic, you could ask the witness if the letters  
8 were written in Cyrillic alphabet or in Latin  
9 alphabet. I think it is important, so if you could  
10 please do that, Mr. Petrusic.

11 MR. PETRUSIC: [Interpretation] Thank you,  
12 Mr. President. I will heed your advice and I will ask  
13 the witness about it.

14 Q. Witness L, you mentioned four letters S.  
15 Were they written in Cyrillic or Latin alphabet?

16 A. Serbs always used Cyrillic alphabet. Even  
17 their registration plates were in Cyrillic letters.  
18 And it was actually the first time that I saw  
19 registration plates in Cyrillic alphabet, which had not  
20 been the case before the war.

21 Q. You mentioned a vehicle that you referred to  
22 as tamic. It was the vehicle that was near the  
23 gymnasium. You were put on that vehicle and taken to  
24 the execution site. You said that it had had civilian  
25 registration plates.

1           A.    No, I didn't say anything about civilian  
2 registration plates. Whether they were police or  
3 military, I don't know. I'm not sure about the  
4 letter. I don't know whether it was the letter P.  
5 Because the Zvornik registration plates started with  
6 letters Z or V, so that was not a registration plate  
7 from Zvornik. So it must have been a police or a  
8 military vehicle. But it was a tamic vehicle with the  
9 green canvas on it.

10          Q.    So according to your observation, the plates  
11 started with Cyrillic letters ZV?

12          A.    No. It was something like a letter P or a  
13 similar letter to that one. At any rate, it did not  
14 have ZV letters on it. This is what I had observed  
15 prior to that. And this time I could only see Cyrillic  
16 letters SC, the Serbian Sarajevo. But that was the  
17 vehicle which I had seen before that. But this one did  
18 not have a civilian licence plate. It could only have  
19 been a military or a police vehicle.

20          Q.    I'm sorry. My intention was not to confuse  
21 you. I just wanted to ascertain that the letter on it  
22 was P.

23          A.    Yes, but I'm telling you that I'm not sure.  
24 All I know is that the letters were not ZV.

25          Q.    When you were brought to the execution site,

1 the group of soldiers that was there waiting for you,  
2 was that the same group of soldiers who later executed  
3 people?

4 A. Probably not, because they were not  
5 rotating. I could only hear shots, and I'm not sure  
6 whether those were the same soldiers.

7 Q. Did they talk amongst each other?

8 A. No, at that time they didn't.

9 MR. PETRUSIC: [Interpretation] Mr. President,  
10 if I may, I should like to go back to a particular  
11 issue.

12 Q. I should like to ask the witness whether at  
13 that time he could distinguish between police and  
14 military licence plates.

15 A. At that time I wasn't familiar with the  
16 plates that were used by the Serbian police, but I  
17 think that they were not just either police or  
18 military. I still don't know what kind of licence  
19 plates the police had in the Federation or in Serbia,  
20 and in the Federation today we have a uniform type of  
21 licence plate, and so I don't know the difference.

22 MR. PETRUSIC: [Interpretation]  
23 Mr. President, I have concluded my cross-examination,  
24 thank you very much.

25 JUDGE RODRIGUES: [Interpretation] Thank you,

1 Mr. Petrusic.

2 Mr. McCloskey, do you have any additional  
3 questions?

4 MR. McCLOSKEY: Mr. President, if I could ask  
5 two questions back at the gym that I failed to ask the  
6 first time.

7 JUDGE RODRIGUES: [Interpretation] Well, if  
8 you forgot to ask those questions, then later on I will  
9 have to give Mr. Petrusic the opportunity to  
10 cross-examine again. Yes, please, do ask your  
11 questions, Mr. McCloskey.

12 MR. McCLOSKEY: Thank you, Mr. President.

13 Re-examined by Mr. McCloskey:

14 Q. While you were at the gym that was crowded  
15 with people, did you see any of the Muslims pass out in  
16 any way?

17 A. Yes, there were people passing out, mostly  
18 because they were thirsty.

19 Q. And did you see what happened to those  
20 people?

21 A. No, nothing. Nobody helped us. But one of  
22 our people would usually go to get some water and we  
23 would ask that person to then give him some water to  
24 refresh him.

25 Q. Did the Serbs provide any sort of medical



1 help at the gym at all?

2 A. No, none, whatsoever. No help at all.

3 MR. McCLOSKEY: Thank you, Mr. President.

4 That's all.

5 JUDGE RODRIGUES: [Interpretation]

6 Mr. Petrusic, do you have anything in relation to  
7 this?

8 MR. PETRUSIC: [Interpretation] I should just  
9 like to check whether I understand the witness  
10 correctly.

11 Cross-examined by Mr. Petrusic:

12 Q. When these people fainted, was it -- were  
13 they allowed to get some water?

14 A. Yes, but because everybody -- the place was  
15 so crowded, and the water sometimes couldn't reach them  
16 and everybody asked for more water than there actually  
17 was.

18 JUDGE RODRIGUES: [Interpretation] Thank you  
19 very much, Mr. Petrusic.

20 Judge Riad.

21 Questioned by the Court:

22 JUDGE RIAD: Thank you, Mr. President.

23 Good morning Witness L. I'll just try to  
24 understand more clearly certain things you mentioned.  
25 You mentioned that you were captured with your

1 brother. Did you hear anything about your brother  
2 since you were captured?

3 A. No, I haven't heard anything. He went one  
4 way and I went the other and I don't know anything  
5 about what happened to him.

6 JUDGE RIAD: Since the 11th of July, 1995, he  
7 has not --

8 A. Since the 13th of July, 1995, I haven't heard  
9 of him. Since that -- from the time when we were  
10 sitting together in the meadow. He was maybe 10 to 15  
11 rows behind me sitting on that meadow.

12 JUDGE RIAD: Did you try to make any search  
13 to find out? Did you get any news?

14 A. Well, we searched for him through the Red  
15 Cross. He has a wife and children, but they were  
16 unable to locate him.

17 JUDGE RIAD: Now, when you left Srebrenica to  
18 Susnjari, you said you had with you something like 200  
19 armed men. Was there any exchange of fire between  
20 these men and between the Bosnian Serbs?

21 A. At that time, no. I don't know what happened  
22 further on along the way. It was only later on that we  
23 learned that there had been an ambush, so they had  
24 remained behind and we left.

25 JUDGE RIAD: An ambush, who made the ambush

1 for the other? Was it the Serbs who ambushed the  
2 Muslims?

3 A. The Serbs.

4 JUDGE RIAD: And then, I'm just following  
5 your testimony, apparently some -- when Arkan's men  
6 came and they were -- you were asked to shout or to  
7 sing, "Long live the king." Who was that king?

8 A. Well, most probably the Serbian king. We  
9 don't have a king at all. And the Serbs have a king.  
10 I mean, they don't have him now, but they used to.

11 JUDGE RIAD: You don't know what they were  
12 referring to?

13 A. I beg your pardon.

14 JUDGE RIAD: You don't know which king they  
15 are referring to; last century, last --

16 A. No, I don't know. Most probably -- now they  
17 don't have a king in Serbia, and there is no king in  
18 Bosnia either.

19 JUDGE RIAD: So you don't know. And when you  
20 were boarding the bus, you said you asked -- you  
21 answered the Defence counsel that the badges were  
22 damaged, you could not see their badges of the soldiers  
23 but you could hear their voice. You being a man living  
24 in that area, was it the Bosnian accent? Was it the  
25 Serb accent? What was the --

1           A.    Well, they probably spoke with a Serbian  
2    accent which is even more pronounced now, but before  
3    they used to speak like us.

4                   JUDGE RIAD:   The soldiers spoke like you or  
5    like the Serbs in Serbia?

6           A.    They spoke like us, but they have a slightly  
7    different accent.  They pronounce -- they don't use the  
8    letter H every time they should, for example.

9                   JUDGE RIAD:   Who doesn't use the letter "H"?

10          A.    Well Serbs, for example.  We say "hljeb" and  
11   they say "ljeb", especially people from the  
12   countryside.  But those living in cities, they speak  
13   like us.

14                  JUDGE RIAD:   Those living in cities like  
15   Belgrade, for instance?

16          A.    Yes, yes, yes.  There was no difference  
17   between Belgrade and places in Bosnian, but it also  
18   depended on the education.  Educated people do  
19   pronounce this letter "H", uneducated people don't.

20                  JUDGE RIAD:   And these soldiers were educated  
21   people?

22          A.    Well, I don't know them.  I know only this  
23   one who used to work with me as concrete reinforcer; he  
24   was a semi-skilled worker.

25                  JUDGE RIAD:   I'm speaking of soldiers.  At a

1 certain stage they are saying, "We are not soldiers, we  
2 are Karadzic's young Chetniks." Where did these young  
3 Chetniks come from?

4 A. They were standing at the door of the gym  
5 where we were. They were sort of guarding us. They  
6 would shoot from time to time in the air. They were  
7 very young people.

8 JUDGE RIAD: They were Bosniaks?

9 A. Yes, they were most probably Bosniaks,  
10 Bosnian Serbs.

11 JUDGE RIAD: Now, when you surrendered on the  
12 July 13th, you heard somebody saying, "These guys are  
13 ours." That was the translation. What was the meaning  
14 of that?

15 A. Well, according to my opinion, those elderly  
16 people most probably thought that if we were to be  
17 incarcerated, that then they could beat us because they  
18 didn't have any weapons in their hands.

19 JUDGE RIAD: I mean you are their victims,  
20 "These guys are ours," means they want you to be their  
21 victims. Is that what you understood?

22 A. Yes, most probably. Yes. Yes, this is what  
23 I understood them to mean that they beat us physically  
24 because they didn't have any rifles.

25 JUDGE RIAD: And also at a certain stage you

1 mentioned that Gojko Simic had said he would kiss all  
2 those who had been killed. What was the meaning --  
3 what was the meaning of that?

4 A. No. He said that he would kiss the person  
5 who will speak. He wanted actually to discover whether  
6 anyone was alive.

7 JUDGE RIAD: And when he kisses them, what  
8 will happen?

9 A. No, no, no. You haven't understood me. He  
10 wanted to see whether anyone was alive and, of course,  
11 he would kill that person. He wouldn't kiss him.

12 JUDGE RIAD: Because there is something, you  
13 know, called the "kiss of death" if you want to save  
14 someone. So he wanted to kill them all. It was to  
15 kill them completely?

16 A. Yes, and they didn't want to let a single  
17 soul living.

18 JUDGE RIAD: Did he kiss you?

19 A. God forbid, he didn't.

20 JUDGE RIAD: Now, it was interesting you  
21 mentioned that a woman, a Serb woman was in camouflage  
22 and gave you water. Were there women among the Serb  
23 soldiers killing you?

24 A. That was the only woman. She was in the  
25 gymnasium from where we were taken, and I didn't see

1 any woman over there and I didn't hear a female voice  
2 either.

3 JUDGE RIAD: But she was not killing, she was  
4 giving water?

5 A. Yes, she was giving water. I don't know what  
6 her intentions were though.

7 JUDGE RIAD: My last question: You were  
8 mentioning that the registration on vehicles was in  
9 Cyrillic and it was not familiar in Bosnia. Did I  
10 understand rightly?

11 A. No. Before the war, the plates used to be in  
12 Latin alphabet, and everybody had the same kind of  
13 plates regardless of the nationality. But when the war  
14 broke out and until 1995, until I was captured at  
15 Grbovci, I didn't see that the Serbs had different  
16 plates, but at that moment I saw that they actually had  
17 different licence plates with Cyrillic letters on them.

18 JUDGE RIAD: Thank you very much, Witness L.

19 A. Thank you, Your Honour.

20 JUDGE RODRIGUES: [Interpretation] Thank you,  
21 Judge Riad.

22 Judge Wald.

23 JUDGE WALD: Witness L, at the time that you  
24 were discussing the different kinds of uniforms and  
25 camouflage uniforms that the people around, I think it

1 was the Grbovci school were wearing, I think that you  
2 were mentioning that some were wearing a grey  
3 camouflage that you thought were either Serbian Bosnian  
4 police or military.

5 My question is: Did the people wearing those  
6 kind of uniforms do anything different? Were they  
7 performing different functions from the soldiers or  
8 were they doing the same thing as the soldiers in the  
9 regular army camouflage uniforms? Did they seem to be  
10 having a different function or were they intermixed  
11 with the army performing the same kind of guarding and  
12 transporting functions?

13 A. They were just there in the compound. They  
14 were mixed together, the Serb police and the army. But  
15 at the door were only soldiers, very young boys under  
16 20 years of age, I think.

17 JUDGE WALD: But the ones who were in the  
18 yard with the greyish uniforms were basically doing the  
19 same thing as the other soldiers, right? They were not  
20 at the door, I understand they were in the yard.

21 A. They were in the yard when we arrived, but  
22 those in grey uniforms didn't come to the door because  
23 their police wear such uniforms.

24 JUDGE WALD: Could you tell what they were  
25 doing there? Were they just standing around? Were



1 they doing anything special, the ones in the grey  
2 uniform?

3 A. They were just giving us orders to run  
4 towards the school, and we don't know what they did  
5 afterwards outside.

6 JUDGE WALD: Okay. Now, did some of the  
7 vehicles that you were discussing whether they had  
8 military or other kinds of police identification on it,  
9 were any of those kinds of military police vehicles  
10 used for transporting the prisoners?

11 A. No, the vehicles were not like that.

12 JUDGE WALD: Okay. You did speak of there  
13 being -- when you were being transported to the school,  
14 30, approximately 30 large vehicles of all different  
15 types, you said. Could you tell whether all of those  
16 vehicles looked like they were local vehicles or did  
17 any of them have markings which would suggest they had  
18 come from farther away since there were so many large  
19 vehicles in that small place?

20 A. All the vehicles were civilian. None of them  
21 came from the outside. We would only see the vehicle  
22 that would be unloaded in front of us, then they would  
23 go back to pick up some more.

24 JUDGE WALD: But you couldn't tell whether  
25 some of these vehicles had markings of, you know,

1 private companies on them or military markings or  
2 what?

3 A. They didn't have private or military  
4 markings. They were mostly vehicles from the former  
5 Yugoslavia, the socialist republic of  
6 Bosnia-Herzegovina. There was a company from Sarajevo,  
7 they had the same markings. The only difference being  
8 that the licence plates were in Cyrillic with a double  
9 "S" standing for Srpska Sarajevo, Serbian Sarajevo.

10 JUDGE WALD: So some of them did come at  
11 least from towns and cities that were away from Grbovci  
12 and from where they were. They had to come a distance  
13 obviously if they came from Sarajevo, right?

14 A. I don't know whether they used those buses in  
15 Zvornik or Bratunac or Sarajevo, I don't know. I just  
16 know that those were the registration plates and that  
17 they were Centrotrans buses, belonging to the  
18 Centrotrans Company.

19 JUDGE WALD: And the Centrotrans Company, do  
20 you know whether it operates; all of Bosnia or just  
21 certain regions?

22 A. All of Bosnia and Herzegovina, everywhere.

23 JUDGE WALD: My next question is: In the  
24 Grbovci school when you went into the gym, could you  
25 tell whether or not that school looked like it had

1 recently been used as a school, I mean, or was it an  
2 abandoned kind of school, a derelict school so that it  
3 didn't look as if it had been used as a school  
4 recently? Were things pretty well cleaned up so that  
5 it looked like it had been a regular school recently?

6 A. Until before the war, it was a regular  
7 school. But then afterwards when the war came, it was  
8 allowed to go into disuse so the gym wasn't up to  
9 something, either.

10 JUDGE WALD: So it didn't look as though that  
11 school had been used as a school in recent months or in  
12 the recent year; is that right?

13 A. Of course it probably hadn't been used for  
14 the past two years prior to that.

15 JUDGE WALD: Okay. Thank you.

16 JUDGE RODRIGUES: [Interpretation] Witness L,  
17 I have two questions for you. The first is the  
18 following: While you were under the control of  
19 soldiers or the Serb army, how many days did you go  
20 without food?

21 A. We were there around 22 hours. No one gave  
22 us anything to eat. I'm not counting the time when we  
23 went to be executed; I'm just counting the time that we  
24 were sitting there. Nobody offered us any bread or  
25 anything. Nobody asked for anything either, but nobody

1 gave us anything either.

2 JUDGE RODRIGUES: [Interpretation] My second  
3 question is the following. When you arrived at the  
4 school, that is, the gym, you saw a pile of clothing.  
5 I'd like to ask you: When you entered the school  
6 itself, when you got inside, was the school already  
7 full or was it still empty?

8 A. It was half full, more than half full.

9 JUDGE RODRIGUES: [Interpretation] More than  
10 half of the school was full?

11 A. Yes, when I entered.

12 JUDGE RODRIGUES: [Interpretation] Thank you  
13 very much for answering all our questions. You  
14 answered questions from the Prosecution, the Defence,  
15 the Judges. Is there anything that you would like to  
16 say and that hasn't been covered by the answers to the  
17 questions? If you wish to add anything, you may do so  
18 now.

19 THE WITNESS: I could just put a question to  
20 counsel, but one that is not linked to this indictment.

21 JUDGE RODRIGUES: [Interpretation] No, I'm  
22 afraid not. You can leave the question in the air, but  
23 the attorney is not obliged to answer that question.  
24 You may put the question just like that, to the  
25 courtroom.

1 THE WITNESS: My question would be just for  
2 this courtroom.

3 JUDGE RODRIGUES: [Interpretation] Yes. Go  
4 ahead.

5 THE WITNESS: Mr. lawyer, you are defending a  
6 man who left 50.000 children orphaned, without one or  
7 both parents. Don't you feel guilty for those orphans,  
8 and what right do you have to defend him? That is my  
9 question.

10 JUDGE RODRIGUES: [Interpretation] I'm going  
11 to answer that, Witness L. The Defence attorneys are  
12 doing their job here, and they're doing their job  
13 properly. All the accused have the right to a Defence,  
14 and that is why we are here. We are here to hear the  
15 Prosecution and the Defence, and it is always important  
16 that the Prosecution does its job well, and the Defence  
17 also do their job well, and the Judges are there to  
18 judge. Thank you very much for coming here and for the  
19 spontaneous manner in which you answered our  
20 questions. I hope I will help you understand that all  
21 the attorneys are doing their job, which doesn't mean  
22 that they share any responsibility.

23 THE WITNESS: I know that.

24 JUDGE RODRIGUES: [Interpretation] And  
25 regardless of the responsibility of the --

1 THE WITNESS: I know that. I understand  
2 that.

3 JUDGE RODRIGUES: [Interpretation] -- and  
4 regardless of the perpetrators of acts, and those acts  
5 are certainly horrible acts, and you are alive to tell  
6 the world that such acts must not be repeated.

7 Don't move for the moment, Witness L. I  
8 think Mr. McCloskey has at least one exhibit to tender,  
9 Exhibit 100.

10 MR. McCLOSKEY: Yes, Mr. President, we would  
11 offer that as evidence.

12 JUDGE RODRIGUES: [Interpretation]  
13 Mr. Petrusic?

14 MR. PETRUSIC: [Interpretation] No objection  
15 from the Defence, Your Honour.

16 JUDGE RODRIGUES: [Interpretation] In that  
17 case, Exhibit 100 will be tendered into evidence.

18 Witness L, you have completed your  
19 testimony. Thank you very much for coming. And as I  
20 have told you, you must tell the world, you, who have  
21 lived through these experiences, that we should do  
22 everything to prevent a repetition of such acts. And  
23 please remember that all the accused are presumed to be  
24 innocent until proven guilty. That is the spirit of  
25 justice, and we are rendering justice here in the best

1 way we can. So don't move yet, because you are a  
2 protected witness.

3 We're going to have a 15-minute break now.

4 And I think the next witness has more or less the same  
5 protective measures, so we will work in open session.

6 So don't move, Witness, please. Good-bye,  
7 and we'll have a 15-minute break now.

8 [The witness withdrew]

9 --- Recess taken at 10.44 a.m.

10 --- On resuming at 11.02 a.m.

11 JUDGE RODRIGUES: [Interpretation] Good  
12 morning, Witness. Can you hear me?

13 THE WITNESS: Yes, I can.

14 JUDGE RODRIGUES: [Interpretation] Very well,  
15 then. Could you please stand up, because you have to  
16 read the solemn declaration first, which is written on  
17 the piece of paper that the usher will give you.

18 THE WITNESS: I solemnly declare that I will  
19 speak the truth, the whole truth, and nothing but the  
20 truth.

21 WITNESS: WITNESS M

22 JUDGE RODRIGUES: [Interpretation] Thank you.  
23 You may be seated now. Are you comfortable, Witness?

24 THE WITNESS: It's okay, thank you.

25 JUDGE RODRIGUES: [Interpretation] You will be

1 treated well here. You are testifying before the  
2 International Tribunal and you will first answer  
3 questions that will be put to you by Mr. Cayley.

4 Mr. Cayley, you have the floor.

5 MR. CAYLEY: Thank you, Mr. President.

6 JUDGE RODRIGUES: [Interpretation] Excuse me.

7 There is something that we have to take care of first.

8 The representative of the Registry will show you a  
9 piece of paper with your name written on it, Witness.

10 Could you please tell us by saying only yes or no if  
11 this is really your name.

12 THE WITNESS: Yes, it is.

13 JUDGE RODRIGUES: [Interpretation] Thank you.

14 Now you will be answering questions.

15 I'm sorry, Mr. Cayley. Please proceed.

16 MR. CAYLEY: Thank you, Mr. President.

17 Examined by Mr. Cayley:

18 Q. Witness, throughout your testimony I shall  
19 refer to you as Witness M in order to ensure that your  
20 identity is not disclosed. And if I could ask you to  
21 try to remember to speak as slowly as you can -- I know  
22 it's your manner to speak quite quickly -- because we  
23 have interpreters between us who are interpreting  
24 everything into English and French.

25 You're a Bosnian; is that correct?



- 1           A.    Yes, it's correct.
- 2           Q.    And you are a Muslim by faith?
- 3           A.    Yes, I am.
- 4           Q.    I think until 1993 you lived in the area of
- 5   Cerska; is that correct?
- 6           A.    Yes, it is.
- 7           Q.    And I think in March of 1993, when Cerska
- 8   fell, you moved to a village inside what became the
- 9   Srebrenica enclave; is that correct?
- 10          A.    Yes, it's correct.
- 11          Q.    I want to now move forward in time, and I
- 12   want you to think about the 11th of July, 1995. And I
- 13   think at that time you and the other men from the
- 14   Srebrenica enclave gathered at Susnjari; is that right?
- 15          A.    Yes, that's right.
- 16          Q.    Now, Witness, where did the women and
- 17   children go?
- 18          A.    The women and children went to Potocari,
- 19   together with the elderly.
- 20          Q.    Why did the men not go to Potocari?
- 21          A.    The men, the able-bodied men, didn't go to
- 22   Potocari; they went to the woods, because they didn't
- 23   dare to go into their hands.
- 24          Q.    I may ask you questions the answers to which
- 25   appear perfectly obvious, but nevertheless the Judges

1 need to know. Why didn't you dare go to Potocari? Why  
2 did the men not dare go to Potocari?

3 A. I didn't dare go to Potocari, for example,  
4 because they had already surrounded us. They had  
5 surrounded Srebrenica and they were entering Potocari,  
6 and I didn't go there, didn't dare go there.

7 Q. When you refer to "they" -- you said that  
8 "they" had surrounded. Are you referring to the  
9 Bosnian Serbs?

10 A. They had attacked us, and on the 11th they  
11 entered the town of Srebrenica. And when that  
12 happened, I went to the woods, because I didn't dare go  
13 to Potocari. But I had sent my wife, my mother, and my  
14 children and a cousin of mine who was 14 years of age;  
15 he went to Potocari. They all went to Potocari. But  
16 he didn't survive. And we went to the woods. And my  
17 father was also sent to Potocari, but he preferred to  
18 go with us. He said, "Sons, I will go to you and then  
19 be what may."

20 Q. Was it the Bosnian Serb army that had  
21 entered Srebrenica and surrounded the enclave?

22 A. As they were entering the town of Srebrenica,  
23 I had already started towards the woods, together with  
24 the military. The command of the army ordered the  
25 able-bodied men to go through the woods; and those who

1 were weak, they were supposed to go to Potocari.

2 Q. Were you in the army at the time yourself?

3 A. No, I wasn't in the army.

4 Q. Did you carry weapons with you on the 11th of  
5 July?

6 A. No. We didn't have weapons.

7 Q. Now, can you remember approximately what time  
8 you left Jaglici on the 11th of July?

9 A. In the evening of the 11th of July, around  
10 10.00 p.m., and this is where we lined up. This is  
11 where we assembled in Susnjari, and then we went in the  
12 direction of Jaglici, Pobudze, and Cerska, on onwards  
13 towards Tuzla.

14 Q. Now, I want to move ahead in time to the 13th  
15 of July of 1995, when I think you found yourself on a  
16 hill called Dolina, which is between the hamlets or  
17 villages of Jelah and Krke. Do you recall that?

18 A. I do.

19 MR. CAYLEY: If the witness could be shown  
20 Prosecutor's Exhibit 120. If it could be placed in  
21 front of the witness and then placed on the ELMO,  
22 please.

23 Q. Now, Witness, do you recall yesterday, you  
24 and I drew a sketch map of this area together and then  
25 this map that you see in front of you is generated on a

1 computer today. Does this accurately reflect the  
2 sketches that you made for me yesterday?

3 A. This is a correct drawing, correct  
4 representation of the location where I was.

5 MR. CAYLEY: Can you place a copy on the  
6 ELMO, please. Thank you.

7 Q. Now, Witness, could you indicate on the ELMO,  
8 the location of Dolina?

9 A. This is Jelah here [indicates]. Krke and  
10 Dolina is here and this is where I was on a hill.

11 MR. CAYLEY: Let the record show that the  
12 witness has indicated on Prosecutor's Exhibit 120 that  
13 the pyramid, the triangle, the black triangle is Dolina  
14 and that hill is in between two villages called Jelah  
15 and Krke.

16 Q. Now, Witness, how far were you from the road  
17 that goes between Nova Kasaba and Konjevic Polje? As  
18 the crow flies, how far were you from that road?

19 A. This is Konjevic Polje [indicates]. Nova  
20 Kasaba is here and I was here near the asphalt road;  
21 500 metres as the crow flies, maybe not even 500. So I  
22 could observe from the hill, the area of Konjevic Polje  
23 and Kasaba, I could see the road.

24 Q. Now, from the hill at Dolina, can you tell  
25 the Judges what you recall seeing on the 13th of July,

1 1995?

2 A. On the 13th of July, it was a Thursday, I  
3 remember very well. It was about 2.00 in the afternoon  
4 and I noticed trucks and buses passing by moving from  
5 Konjevic Polje towards Nova Kasaba.

6 I was there together with eight other people  
7 and people started to shout. They were saying,  
8 "They're probably taking our women and children. To  
9 the free territory."

10 There were two or three buses there at that  
11 point and they turned right off the asphalt road and  
12 they went into the -- in the direction of Cerska across  
13 the bridge and I was watching them.

14 There was a little path towards Skurici, but  
15 then they went directly to Cerska and they turned  
16 around the curve and this is where I lost them. There  
17 was an APC following them and two other trek vehicles.

18 Maybe five or ten minutes after that, a  
19 yellow backhoe started out in the same direction and I  
20 could watch it travel as well and at that point, we  
21 could only hear fire of small firearms.

22 Q. Witness, if you could pause there for a  
23 moment.

24 Now, you said in your evidence that you saw  
25 two or three buses which turned right off the asphalt

1 road and they went in the direction of Cerska across  
2 the bridge. Can you indicate to the Judges, on the map  
3 on the ELMO next to you, the road that those three  
4 buses took?

5 A. The buses left Konjevic Polje and they turned  
6 towards Kamenica. There was a bridge here [indicates],  
7 you can see it here, across the Jadar river. And they  
8 moved up hill from there towards Cerska.

9 There is a little road which turns left to  
10 Skurici they went towards Cerska and I could still see  
11 them. They turned right towards Cerska.

12 MR. CAYLEY: Let the record show that the  
13 witness has indicated on Prosecutor's Exhibit 120 that  
14 the three buses turned onto a road that goes towards  
15 the village of Cerska over a bridge that is indicated  
16 by a bridge symbol on that road, past -- turning to  
17 another small village called Skurici and on the way to  
18 Cerska.

19 Q. Now, Witness, you also stated that you saw  
20 other vehicles following. Can you describe the APC  
21 that you saw to the Judges?

22 A. Yes, I can describe the APC. I noticed also  
23 a trek vehicle that was green in colour. There was  
24 some soldiers wearing camouflage uniforms on that  
25 vehicle, but I couldn't tell which uniform it was. I

1 didn't distinguish between various colours, but the  
2 soldiers were on the APC.

3 Q. Now, you also said, Witness, that you saw a  
4 yellow backhoe vehicle following these buses and the  
5 APC. Is that a vehicle which has a shovel on the front  
6 of it? Is that the kind of vehicle that you saw?

7 A. Yes, that kind of vehicle. It was yellow.  
8 It had wheels and it had a bucket or a shovel.

9 Q. Now, you then said in your evidence that you  
10 heard infantry weapons firing. Now, prior to that, did  
11 you lose sight?

12 A. Yes, first of all, we heard small arms fire  
13 and then later on, we heard echo of other weapons that  
14 were being fired in the valley.

15 And after the shooting stopped, this lasted  
16 for about half an hour, the three buses came back and  
17 took the same road in the direction of Konjevic Polje.  
18 And the APC followed them, but the excavator remained  
19 there longer, longer than half an hour. But it came  
20 back the same -- along the same road and it went also  
21 in the direction of Konjevic Polje following the APC.

22 Q. I want you to think back to when you first  
23 saw the vehicles going towards Cerska. Was there a  
24 time when you lost sight of the vehicles because the  
25 road goes into woods?

1           A.    Yes, towards the woods, there was a wood  
2   there and I couldn't see them because they had turned  
3   around the curve and they went in the direction of  
4   Cerska. I could follow them for a while while they  
5   were passing through the valley, but I couldn't tell  
6   exactly what kind of bus it was, what company it  
7   belonged to. There were some letters but I couldn't  
8   make them out. I was on the hill, I was far away from  
9   the buses.

10          Q.    In terms of the period of time that passed  
11   between you losing sight of the vehicles and the  
12   shooting starting, can you estimate now, looking back,  
13   how much time passed between those two events?

14          A.    The buses went away and after about 10 or 15  
15   minutes, we saw the personnel carrier and then the  
16   excavator. And then they came back, one after the  
17   other. The personnel carrier followed the buses, but  
18   the excavator remained there a little longer. It  
19   lagged behind.

20          Q.    You misunderstood my question. Do you recall  
21   that you stated that there came a time when the buses  
22   and the excavator and the APC disappeared from your  
23   sight into the woods?

24          A.    They didn't go into the woods, they followed  
25   the buses along the same road and I could see them.



1 First, the buses went, then the personnel carrier, then  
2 the yellow loader. They all followed the same road,  
3 and I could observe them until they turned.

4 Q. After the time that you couldn't see them  
5 anymore, how long after that time did the shooting  
6 start?

7 A. The shooting started 10 minutes after that.

8 MR. CAYLEY: Thank you. If the witness could  
9 be shown Prosecutor's Exhibit 11/3. And if that map  
10 actually could be left there because we need that  
11 again.

12 Q. Now, Witness, this is a photograph that I  
13 showed you this morning. And what I'd like you to do  
14 is to show it to the Judges?

15 MR. CAYLEY: Could the photograph be moved to  
16 your left, please. No, other direction and down a  
17 little. Actually, the other way slightly. And if you  
18 could just followed up there is a bit that's pressed  
19 down at the top of the photograph.

20 Q. Now, Witness, can you show to the Judges the  
21 hill at Dolina where you were watching these events  
22 from?

23 A. Let me show you. This is Konjevic Polje,  
24 this is Nova Kasaba and this is where I was, at this  
25 hill, here, [indicates] this is where I was near the

1 woods, the Krke woods. And from my vantage point, I  
2 could see the road leading to Nova Kasaba and the field  
3 beyond the road. This is the Krke wood.

4 Q. Could you just put your pointer on the  
5 location on the hill and leave it there.

6 A. This is the spot [indicates].

7 Q. Can you show me the road to Cerska?

8 A. This is the road [indicates]. This is the  
9 bridge across the Jadar river and the road goes on  
10 towards Cerska.

11 MR. CAYLEY: I'm going to attempt to put this  
12 into the transcript. On a large panoramic photograph,  
13 Prosecutor's Exhibit 11/3, the witness has identified  
14 that he was about halfway up the most prominent hill in  
15 the middle of that photograph, and that he also  
16 indicated on the same exhibit, the road which runs in a  
17 vertical, near vertical fashion, from that hill and the  
18 main, I think, landmark is a bridge which he identified  
19 as a bridge across the river Jadar.

20 Q. Witness, what was your view like from the  
21 hill at Dolina?

22 A. I had a very good view.

23 Q. Did you grow up in this area?

24 A. Yes, I did. I'm familiar enough with the  
25 area. If I didn't know the area, I probably wouldn't

1 go there, but I had known the area from before the war.

2 MR. CAYLEY: That's fine, thank you.

3 Q. Now, I think 16 days after Srebrenica fell,  
4 you managed to cross the asphalt road between Konjevic  
5 Polje and Nova Kasaba; is that right?

6 A. Yes, that's right.

7 Q. Where did you go after that?

8 A. The Serb army withdrew on the 14th day. The  
9 asphalt road was cleared and it was on the 16th day  
10 that we managed to pull through towards Macesi. That  
11 is the area between Konjevic Polje and Nova Kasaba, not  
12 far from the turning towards Cerska, and this is where  
13 I crossed the asphalt road and I reached the woods near  
14 the area of Macesi. And this is where I found several  
15 other people. It was already dark. It was at  
16 nightfall, and it was drizzling and we spent the night  
17 there and after that, we went towards the Udrc  
18 mountain.

19 Q. Witness if you just wait for a moment.

20 MR. CAYLEY: And if the witness could be  
21 shown Prosecutor's Exhibit 120 again.

22 Q. Witness, and if you could just show the  
23 Judges the village of Macesi and where you spent the  
24 night that night?

25 A. This is Konjevic Polje and this is the road

1 to Cerska and this is where I crossed the road between  
2 Konjevic Polje and Cerska halfway through and I went to  
3 cross the field and I went to the Macesi woods and this  
4 is where I spent the night. And after that I set out  
5 towards the Udrac mountain.

6 Q. Thank you, Witness. I just have to record in  
7 our record what you pointed to.

8 MR. CAYLEY: So the witness indicated that he  
9 crossed the tar macadam road and then turning off  
10 towards Cerska and then he proceeded towards a village  
11 which is marked as Macesi, spelled M-a-c-e-s-i on  
12 Prosecutor's Exhibit 120.

13 Q. Now, Witness, you then said that you set out  
14 towards the Udrac mountain and I wonder if you could  
15 just point out for the benefit of the Judges so that we  
16 don't all get lost in the forest the location of that  
17 mountain?

18 A. This is Udrac.

19 MR. CAYLEY: And let the record show that the  
20 witness is indicating to a black triangle underneath  
21 which is the word "Udrac." The location is Udrac, just  
22 below the Drinjaca river.

23 Q. Now, Witness, when you got to the Udrac  
24 Mountain, who did you find there, and what happened to  
25 you?

1           A.    I found there quite a number of men, and I  
2   and my friends joined them. I came across a man with a  
3   nickname. He wrote down everything: what had happened  
4   along the way and what he saw. He put it all down in a  
5   notebook. And he listed all our names there on this  
6   mountain, our names and surnames, and said, "I'm going  
7   to cross into free territory, or at least my notebook  
8   will, and you stay here," and he took down everything.  
9   He wrote down the names.

10           At that moment three men, two of whom were  
11   deaf and dumb, and we asked them how they had managed  
12   to escape from Susnjari and Jaglici. We approached  
13   them. And the man who was writing down everything, he  
14   approached them and asked them how had they managed.  
15   And then this man said, "You know where I'm coming  
16   from." And he said, "I'm coming from an execution  
17   site." I couldn't believe him. Surely it isn't true.  
18   And he said, "It is," and he showed me his trousers --  
19   he lifted his trousers and he showed me his wounds.  
20   And then he pointed to his ears, saying that he could  
21   no longer hear from the explosions. He said he was  
22   coming from a hangar. Whether it was Kravica or  
23   another place, I'm not sure, but I managed to save my  
24   life and to escape. And he came to Udrc.

25           And this man who went to free territory, who

1 was going to free territory, he said, "Stay here and  
2 someone will come for you." We waited for him for 25  
3 days. He didn't come. It started raining. We got off  
4 the mountain to a village. We lit a fire. There were  
5 just the ruins of a house and stables. We lit a fire  
6 to dry ourselves. There was some fruit: apples and  
7 plums, and pears, whatever we could find. It was  
8 August, I remember well, and --

9 Q. Witness, if I could just interrupt you. Now,  
10 you've told the Judges about an account that was told  
11 by an old man, about how he and two disabled people  
12 managed to escape from Jaglici. Do you recall any  
13 other accounts that were given by people who had  
14 escaped from Jaglici, anything else that the man with  
15 the nickname wrote down in his diary?

16 A. I remember the eight men who also spoke about  
17 the mass grave. That night, on the 13th, they came  
18 along the road. They followed the same road as the  
19 APC. They followed that road, the macadam road,  
20 towards Kasaba. They said, "We took that road." And  
21 when we reached the crossroads we came across a pool of  
22 blood. When we saw that pool of blood, we didn't dare  
23 go on towards Cerska, so they turned towards Macesi.  
24 And the man who wrote this down asked them, "Where  
25 could this spot be?" They said, "I don't know." And I

1 said, "If you can't remember the name, then say it was  
2 by the Uvalic house." And he wrote all this down.

3 After that, maybe a month later, in  
4 September, I was looking for salt, me and my three  
5 friends --

6 Q. Witness, if we could just -- I just have a  
7 few questions about what you just said. Now, you said  
8 that these men who told the man with the nickname about  
9 the pool of blood, that they had crossed the road on  
10 the 13th. Would that be the 13th of July of 1995?

11 A. The 13th of July, 1995, when the shooting was  
12 heard, that night they managed to cross the road and  
13 went along the road to Cerska, and that is when they  
14 came across this pool of blood.

15 Q. And the road to Cerska, if you could just  
16 indicate to the Judges again -- I know you've done it  
17 previously -- the road, just the road, on which they  
18 found this pool of blood.

19 A. This is the road to Cerska, here  
20 [indicates]. There's a turnoff for Macesi and these  
21 are the Uvalic houses, and it must have been here.  
22 There were some tree stumps there. This is the road to  
23 Cerska. And a month later I found this mass grave.

24 Q. Witness, if you could just wait there.

25 MR. CAYLEY: Now, the Witness has indicated

1 on Prosecutor's Exhibit 120 that the individuals  
2 informed the man with the nickname that the pool of  
3 blood was on the road which goes towards Cerska, just  
4 after the turning to the village of Macesi.

5 Q. Now, Witness, I think there came a time when  
6 the Serbs actually noticed all of you men on the Udrč  
7 Mountain; is that right?

8 A. Yes.

9 Q. And when that happened, what did you do?

10 A. He noticed us on Udrč in August. I remember  
11 well. It was a Saturday when we came down from Udrč.  
12 Me and my friends who were with me came down to these  
13 villages of Babici and others. They were all burned  
14 down. There were some houses still standing. We lit a  
15 fire. Just then I lit a fire. I found a pot, a  
16 bucket, to get some water to wash myself. I started  
17 washing myself in a stable. At that moment the people  
18 from the houses started fleeing into the mountains.  
19 They were saying, "Here are the Serbs. The Chetniks  
20 are coming."

21 I ran out through the door and I could hear  
22 firing at the village. And the troops were coming from  
23 the right and from the left to capture us. I just  
24 managed to put on shorts. I was barefoot, and I  
25 climbed up the mountain. The men who went left or



1 right I think were captured, but I managed to escape to  
2 Udrac. I spent a day or two there, not long. Then they  
3 withdrew from there and I continued along the road to  
4 Kladanj.

5               When I got to Huberi I found some more men  
6 there. This is towards Sandici. I came across more  
7 people and I asked: How were things? And they said,  
8 "We can't pass. There was shooting from all sides and  
9 we got frightened. We didn't dare go on."

10              We spent the night there and went back along  
11 the same road we had taken. And we came back to the  
12 place at Suljici, Babici, where I had washed myself.  
13 And on the way I came across two dead people. One was  
14 my relative and the other I couldn't recognise. We  
15 were in Babici, and these friends asked me, "Are you  
16 going with me to Srebrenica?" I said, "I'm not going  
17 back to Srebrenica for the life of me. I want to go to  
18 free territory." Then these friends separated from  
19 me. They went towards Srebrenica to look for food.

20              And then I went from this village of  
21 Turmadzici and Babici and I came across a small river  
22 between Hakalasi and Hasanovici. I came across eight  
23 comrades that I knew, and I joined them and stayed  
24 there all the time until I crossed into free territory  
25 130 days later; I think 130.

1 Q. Now, Witness, you say that you tried to --

2 JUDGE RODRIGUES: [Interpretation] I'm sorry,  
3 Mr. Cayley. I think the witness should be asked to  
4 speak a little bit more slowly. At least the French  
5 interpreters are having difficulty in following him.

6 MR. CAYLEY:

7 Q. Witness, I know it's your manner to speak  
8 very quickly, but if you could try and slow down,  
9 because, as I said to you, we have interpreters between  
10 us. So if you'd just take a breath while you're  
11 talking, then that will make your evidence much clearer  
12 for everybody.

13 Now, Witness, you said that you returned from  
14 Huberi back to the Cerska area, and that you met some  
15 friends and you came across, I think, eight comrades,  
16 and you joined them and stayed near a small river. Can  
17 you indicate on the map where it was that you were  
18 staying at this time with your eight comrades? Just  
19 approximately.

20 A. Approximately. This is Cerska [indicates].  
21 There's a road going to Hasanici and there's another  
22 road to the left, and I followed the river. And  
23 halfway between Hasanovici and Hakalasi I was there,  
24 between Hakalasi and Hasanovici, in the river. It's  
25 about 15 minutes from Cerska, from the school in

1 Cerska, to this part where I was.

2 MR. CAYLEY: I'm not going to try to explain  
3 that into the transcript, but I think it would be  
4 accurate to say on Prosecutor's Exhibit 120, that the  
5 witness indicated that he stayed near a stream about 15  
6 minutes from Cerska, which is marked on the map.

7 Q. Now, Witness, there came a time, I think,  
8 when you ran out of salt, and you and your comrades  
9 decided to try and go and search for food and for  
10 salt. Do you recall that?

11 A. I do. It was in September, but I don't know  
12 the exact date. When we ran out of salt, we wondered  
13 what we should do. We had a little salt. We ate  
14 whatever we could: mushrooms, plants. So then we  
15 decided to go down to Pobudze, where we saw a lot of  
16 dead and a lot of backpacks. We thought we'd find some  
17 salt there. So the four of us set off from the mill  
18 and we reached the school at Cerska.

19 From the school -- it was an eight-year  
20 elementary school. The four of us agreed at the school  
21 the two would look to the right, two to the left, to  
22 see where that grave could possibly be. And so from  
23 Cerska we went to Konjevic Polje, Kasaba, along the  
24 road. We followed the road and we were looking to the  
25 left and to the right.

1 Q. Witness, can you indicate to the Judges the  
2 road you're talking about that you took from Cerska?

3 A. This is Cerska [indicates]. This is where  
4 the school is. And we went along this road. We went  
5 along this road towards Konjevic Polje and Kasaba,  
6 asphalt road.

7 MR. CAYLEY: Let the record show that the  
8 witness is indicating the road that goes from Cerska to  
9 the junction of the road between Nova Kasaba and  
10 Konjevic Polje.

11 Q. Witness, if you could continue with your  
12 account of what happened.

13 A. When we left Cerska, the school, when we  
14 reached a crossroads called Talusa Luka, we found a  
15 pile in the grass, and the two of them said, "This is  
16 where the grave must be." We saw it wasn't a grave; it  
17 was somebody who had started building before the war.

18 Then we went on and we got to this place,  
19 Masuska [phoen]. And then the two of them said, "Here  
20 is the grave." And we found it, right here  
21 [indicates]. When you go from Cerska, the tomb was on  
22 the left -- no, on the right. On the right-hand side  
23 was where the excavator had dug the earth. We saw the  
24 tomb with freshly dug earth over it. We were sorry.  
25 We cried. It could have been my son, my brother. They

1 must be ours. Then he counted 25 steps long. The  
2 crater was about 25 steps long and 10 steps wide. I  
3 noticed the traces of a caterpillar, of the loader.  
4 From that grave, about 5.200 metres, is a road, a  
5 crossroads, going towards Macesi, and these houses had  
6 been mined, Uvalic's houses. I couldn't see any traces  
7 of blood, because there had been rain in the meantime.

8           After that we went along this same road and  
9 we reached the bridge across the Jadar. And we didn't  
10 dare go towards Konjevic Polje or Nova Kasaba, so we  
11 went between Jelah and Krke, and I reached this hill  
12 called Dolina.

13       Q.   Witness, if I could just take you back.  
14 Could you point to the spot -- and I know this map is  
15 only approximate -- where the mass grave is located,  
16 where you found the grave?

17       A.   Here it is [indicates].

18           MR. CAYLEY: Let the record show that the  
19 witness is pointing to a rectangle just below and to  
20 the right of Cerska.

21       Q.   Now, Witness, you also said that you could  
22 see where an excavator had dug earth. Can you point on  
23 this map to where you saw the excavator digging earth?

24       A.   Right across the way, across the road from  
25 that grave, here [indicates]. We noticed the traces of

1 the wheels. We saw the traces there, here, on the  
2 right-hand side of the road if you're going to Cerska.

3 MR. CAYLEY: Let the record show that the  
4 witness is pointing to a Chevron sign immediately above  
5 the black rectangle indicating the site of the mass  
6 grave.

7 Q. Can you now -- you said that there were two  
8 houses down from there that belonged to the Uvalics.  
9 Can you just point to those?

10 A. Those were the Uvalics' houses, the two  
11 houses.

12 MR. CAYLEY: Let the record show that the  
13 witness is pointing to two house-shaped objects marked  
14 "Uvalic," immediately to the right of the spot marking  
15 the mass grave.

16 Q. Witness, when you discovered this grave, did  
17 you smell anything there?

18 A. I could tell by the smell, the stench. One  
19 could feel the stench.

20 MR. CAYLEY: If we could now show  
21 Prosecutor's Exhibit 16/5, which is a video. And this,  
22 Your Honours, is the video that you've seen already of  
23 the Cerska Valley region. It's a heavily wooded area,  
24 it's very rugged, but I think it will give you a better  
25 idea of the area we're talking about. I've taken some

1 video stills which the witness can identify. But it's  
2 about 1 minute 30 seconds, 1 minute 45, so it will  
3 remind you of the area that we're talking about.

4 If the video could be played, please.

5 [Videotape played]

6 THE WITNESS: This is where I was. That is  
7 where I saw the buses.

8 MR. CAYLEY: Let the record show that the  
9 witness has just indicated on the video which shows the  
10 road to Cerska, that that is where he saw the buses  
11 which he referred to earlier.

12 THE WITNESS: There are the houses  
13 [indicates].

14 MR. CAYLEY:

15 Q. Are those the houses that belonged to the  
16 Uvalic brothers?

17 A. Yes, yes, the two houses of the Uvalic  
18 brothers. And here's the tomb. This is where the tomb  
19 is [indicates].

20 MR. CAYLEY: If the witness could be shown  
21 Prosecutor's Exhibit 121, and this is a series of  
22 stills, Your Honour, that were taken from the video  
23 that we've just seen.

24 Q. Now, you pointed out the houses of the Uvalic  
25 brothers, and they're just ruins. Why are those houses

1 in ruins, Witness?

2 A. Those houses were all right while we were in  
3 Cerska. When Cerska fell, they went to mine and  
4 destroy one house after another, all our homes.

5 Q. The Bosnian Serbs, you're talking about?

6 A. The Bosnian Serbs, yes, I'm talking about  
7 them. They destroyed, torched and mined our houses.

8 Q. Can you point out on these photographs, first  
9 of all, the location of the houses of the Uvalic  
10 brothers?

11 A. Those are the houses of the two Uvalic  
12 brothers.

13 MR. CAYLEY: Let the record show that the  
14 witness is indicating on the panoramic view in the  
15 frame that is to the furthest right in the series and  
16 you can see in the middle of that two grey-white areas  
17 which I think can be clearly seen on the clip below the  
18 remaining foundations of a house.

19 Q. Can you show the house, the road to Macesi,  
20 the intersection?

21 A. This is the road to Cerska, and this is the  
22 road that goes to Macesi. You can see it here that's  
23 where it is. That's the road to Macesi from here.

24 MR. CAYLEY: My colleague has just informed  
25 me that I've misdescribed the photograph. In fact, the



1 Uvalic brothers houses were on the extreme left in the  
2 frame, on the extreme left of the panoramic view, and  
3 you can see the two sort of grey-white areas which  
4 indicate the foundation of those houses.

5 Q. I'm sorry, Witness, can you point out the  
6 road again to Macesi?

7 A. The road to Macesi, here it is, this is the  
8 crossroad and it turns off here.

9 MR. CAYLEY: And the witness has indicated in  
10 the panorama and it can be clearly seen that it goes  
11 out to the right and disappears out of the bottom  
12 right-hand corner of the panorama.

13 Q. And finally, Witness, can you indicate the  
14 location to the Judges of the tomb or the mass grave.

15 A. Here it was, here. This is where it was here  
16 [indicates]. There was a meadow here, the grave, the  
17 river, and this is where the earth was dug up. So the  
18 grave was here.

19 MR. CAYLEY: And the witness is indicating on  
20 the frame on the right of the panorama and it is an  
21 area which is on the left-hand side of the road going  
22 towards Cerska as the road disappears out of the  
23 photograph.

24 Q. Witness, if you could look at the photograph  
25 below which is a clearer view of that final frame.

1           A.    Yes, it can be seen here. This is the mass  
2   grave on the left when going to Cerska and this is  
3   where the excavator dug the earth.

4           MR. CAYLEY: Let the record show that the  
5   witness is indicating in the single frame photograph on  
6   the lower right side of the exhibit a white-grey area  
7   in the centre of the photograph just above where the  
8   road curves down and goes off to the left is the grave,  
9   and that below that where there's a hedgeline is an  
10  area, I think he said, where the earth was dug, where  
11  the excavator dug the earth.

12          Q.    Thank you, Witness.

13          MR. CAYLEY: Finally, if we could have  
14  Prosecutor's Exhibit 16/3.

15          A.    This is it [indicates].

16          MR. CAYLEY: Could the booth perhaps pan out  
17  somewhat. That's fine.

18          Q.    Witness, can you first of all indicate to the  
19  judges the site of the grave that you discovered?

20          A.    The site of the grave, this is where the  
21  grave was on this side [indicates].

22          MR. CAYLEY: Let the record show that the  
23  witness is indicating on Prosecutor's Exhibit 16/3 to  
24  the right of the yellow distance markers which run down  
25  the centre of the road.

1           A.     This is the road here.

2           Q.     Can you indicate to the Judges where you saw  
3 where the excavator had been at work?

4           A.     The excavator had been working on the  
5 right-hand side, the left -- no, the right-hand side.

6           Q.     Could you indicate with your pointer.

7           A.     Across the way from the grave here  
8 [indicates] here, here somewhere. There was the slope  
9 up there [indicates]. This is the road [indicates],  
10 and this is the road to Macesi, this is -- to the right  
11 is the grave, and this is where they dug the earth.

12               MR. CAYLEY: Let the record show that the  
13 witness is showing that the excavator had been working  
14 on the side of the road which is essentially where the  
15 vehicles are parked, so directly opposite the mass  
16 grave and it is, in fact, on the left-hand side of the  
17 photograph as you look at the photograph.

18          Q.     Witness, thank you. Can you tell the Judges  
19 who were the male members of your family that you lost  
20 during the war?

21          A.     After 130 days, I reached free territory. It  
22 was the 18th of November when I reached Kladanj. I  
23 learned that I lost my father, my brother, cousins, my  
24 neighbours; and my father who I loved most.

25               I have my mother, my wife, and children, no

1 brother, no father, no 14-year-old nephew. They have  
2 disappeared.

3 Q. And they -- all of these members of your  
4 family disappeared at the time of the fall of  
5 Srebrenica in July of 1995?

6 A. Yes, the fall of Srebrenica.

7 MR. CAYLEY: Thank you Mr. President. I  
8 don't have any further questions for the witness.

9 JUDGE RODRIGUES: [Interpretation] Thank you  
10 very much, Mr. Cayley.

11 Mr. Visnjic, how much time do you think you  
12 will need for the cross-examination of the witness,  
13 approximately?

14 MR. VISNJIC: [Interpretation] Mr. President,  
15 maybe 20 minutes, and I was about to suggest a break at  
16 this point.

17 JUDGE RODRIGUES: [Interpretation] Yes. We  
18 will have a 15-minute break now -- no, perhaps we  
19 should have half an hour break at this point.

20 --- Recess taken at 12.00 p.m.

21 --- On resuming at 12.33 p.m.

22 JUDGE RODRIGUES: [Interpretation] Witness M,  
23 have you had some rest during the break?

24 A. Yes, I have. Thank you.

25 JUDGE RODRIGUES: [Interpretation] Now, you're

1 going to answer questions that will be put to you by  
2 Mr. Visnjic who is representing the Defence in this  
3 case.

4 Let me just remind you, once again, that we  
5 speak two different languages and we risk having  
6 problems here. And the two of you, Mr. Visnjic and  
7 yourself, you speak the same language which can make  
8 things even more difficult.

9 So I should kindly ask you to try and make  
10 breaks, make pauses between questions and answers so  
11 that the rest of us can hear you and understand you.  
12 Thank you very much.

13 Mr. Visnjic, you have the floor.

14 Cross-examined by Mr. Visnjic:

15 MR. VISNJIC: [Interpretation] Thank you,  
16 Mr. President.

17 Q. Good afternoon, Witness M.

18 A. Good afternoon.

19 Q. Witness M, let me go back to the beginning of  
20 your story. You said you had lived in Srebrenica?

21 A. Yes, and I was in Srebrenica until the fall.

22 Q. In the town itself?

23 A. I lived in the outskirts of the town.

24 Q. During your examination-in-chief, you said at  
25 one point that on the 11th of July, when Srebrenica

1 fell into Serb hands, that the population split in two  
2 groups; that one group went to Potocari and the other  
3 to Susnjari?

4 A. Yes, that's correct. Women and children,  
5 civilian population, went to Potocari, and the  
6 able-bodied men went to Susnjari in order to save their  
7 lives; some managed to do that, some didn't. I was  
8 lucky enough to survive.

9 Q. This division of the population was carried  
10 out according to whose orders?

11 A. Well, our soldiers, our military men were  
12 shouting, giving orders. They were telling us -- they  
13 told us that the women and children should go to  
14 Potocari, and those who felt healthy and well enough,  
15 that they should go to the woods. This is what our  
16 commanders told us.

17 Q. How did you personally learn about that? Was  
18 there a messenger who conveyed the order or were there  
19 just rumours?

20 A. We gathered in the village of Kazani near the  
21 cemetery in Srebrenica, and this is where they were  
22 told what had happened. They said that women and  
23 children and the elderly should go to Potocari, and  
24 those who were able-bodied, that they should go to the  
25 woods and try to save their lives in this manner.

1 Q. You said somebody had told you; was that  
2 somebody specific or were there just rumours?

3 A. This is what we heard. They were shouting  
4 and they were telling that the weak ones should go to  
5 Potocari and that the others should go to the woods, to  
6 Susnjari. And those were the orders, and some people  
7 survived, some didn't. I managed to survive.

8 And so let me tell you once again, it was  
9 very difficult for us. I have not come here to argue  
10 with you. I have come here to tell the truth about  
11 what we have been through. And I have come to tell you  
12 about the 130 days that I spent in the woods and how I  
13 managed to survive. I've come here to tell the truth  
14 about what has happened to me.

15 And I feel very sorry for the people. And  
16 this gentleman sitting here, if he had known for this  
17 Tribunal, he wouldn't have come here, would have  
18 lived -- stayed there and lived with us as he did  
19 before the war.

20 JUDGE RODRIGUES: [Interpretation] Witness M,  
21 I'm sorry to interrupt you, but could you please try  
22 and answer Mr. Visnjic's questions in a direct manner.

23 If a question is a direct one, please try to  
24 give us a direct answer.

25 We are here to do justice and there are two

1 parties here in this case. There is the Prosecution  
2 and the Defence. Everybody has the right to defence.

3 Imagine if something should happen to you,  
4 you would also need somebody to represent you.

5 We do understand the suffering you've been  
6 through, but please try to answer the questions of  
7 Mr. Visnjic directly, please.

8 MR. VISNJIC: [Interpretation]

9 Q. Witness M, in one of your previous  
10 statements, you said that the column had left Susnjari  
11 around 10.00 p.m.; is that correct?

12 A. Yes, it is.

13 Q. You also said that you were walking from the  
14 12th of July until 13th, that you reached the village  
15 of Kamenica?

16 A. Yes, that is true this is where we spent the  
17 day resting, it was the place of Kamenica. And this is  
18 actually where the tragedy happened later on, the  
19 terrible thing.

20 Q. Please, if we can let the interpreters  
21 translate. This is why I stopped.

22 You also said that you left Kamenica around  
23 6.00 p.m. and that around 1900 you ran into an ambush;  
24 is that correct?

25 A. Yes. We were surrounded and they opened fire



1 and the shooting lasted for about half an hour, and a  
2 disaster happened and people were in great fear.

3 THE INTERPRETER: Could you slow down,  
4 please, for the interpreters.

5 MR. VISNJIC: [Interpretation]

6 Q. You also said that on the 13th of July you  
7 arrived in the village of Burnice; is that correct?

8 A. Yes, that's correct, in the morning hours of  
9 the 13th.

10 Q. Also on the 13th, that is, on the same day,  
11 you left the village of Burnice and went to village of  
12 Rahonjici.

13 A. Yes. We went across the field and we reached  
14 the village of Rahonjici.

15 Q. You said that on the same day you left the  
16 village of Rahonjici and went to the village of  
17 Mranice, which is near the village of Rahonjici?

18 A. Yes, this is what I did, and this is where I  
19 reached the junction where I found three or four dead  
20 bodies. The junction was the one for the village of  
21 Mranice and the village of Krke. And I heard  
22 somebody -- I heard noises, I heard people calling me,  
23 but I didn't dare move.

24 Q. What day was it, if you can remember that?

25 A. It was on the 13th, on Thursday morning.

1 Q. So you -- this all happened on Thursday  
2 morning; is that correct?

3 A. Yes, it is.

4 Q. You also stated that a part of the people  
5 from your group surrendered on that day.

6 A. Yes. There were maybe 50 of us in the group,  
7 and there were some people whom I knew, whom I  
8 recognised. People were inquiring about their family  
9 members. And while I was there in that group, a  
10 personnel carrier came from Konjevic Polje, from the  
11 direction of Konjevic Polje. I couldn't recognise the  
12 soldiers who were on the personnel carrier, but I  
13 noticed that they were wearing camouflage uniforms.  
14 And they went in the direction of Nova Kasaba, but they  
15 only got as far as Dzugum, as far as a cafe which was  
16 situated there. And people started shouting, telling  
17 us to surrender. They were telling us that the Red  
18 Cross was there, that UNPROFOR people were there, and  
19 they told us to come down to the asphalt road and to  
20 surrender.

21 I was there together with other people, but  
22 whoever had any wits about him didn't even think of  
23 surrendering. And some 130 of us remained in that  
24 river, in that little brook. And this is -- and then  
25 afterwards I went in the direction of Jelah and the

1 Krke woods.

2 Q. What time of the day was it when several  
3 members of your group surrendered?

4 A. It was on the same day, on the 13th of July,  
5 around 10.00 or maybe half past 9.00 in the morning.  
6 And I was watching them while I was at the village of  
7 Krke, as they were climbing down the hill and going  
8 towards the asphalt road. I noticed several groups of  
9 Serb soldiers and I could see people coming out on the  
10 asphalt road. I could hear Serb soldiers asking them  
11 if they had any weapons, and they said they didn't, and  
12 at that point they would raise their hands. But then  
13 one would hear a voice of someone who was giving  
14 commands, and then they told people to halt, to stop,  
15 and to raise their hands.

16 Q. How far were you from the asphalt road at  
17 that moment?

18 A. There was a brook there and there was a  
19 little forest, the Krke wood, and maybe I was some 500  
20 meters away from them. I'm not quite sure. This is an  
21 approximate distance. But I could see everything. I  
22 could see the asphalt road, I could see people coming  
23 down to the asphalt road, I could see them surrender,  
24 being captured. And the Serb soldiers also came down  
25 to the asphalt road and they were pointing their rifles

1 at them, trying to prevent them from escaping, and I  
2 was observing all that. I wanted to see whether they  
3 would be taken to Kasaba or to Konjevic Polje. But I  
4 didn't follow them as far as Nova Kasaba. I lost them  
5 at one point.

6 JUDGE RODRIGUES: [Interpretation]  
7 Mr. Visnjic, I'm sorry to interrupt you. I should like  
8 to ask you to ask very specific and short questions so  
9 that we don't lose too much time, waste too much time.  
10 The question was what distance it was. If you can try  
11 to control the witness, please, Mr. Visnjic. You can  
12 interrupt the witness. That's okay with me. If you  
13 don't do that, I will have to intervene every time.

14 MR. VISNJIC: [Interpretation] Thank you,  
15 Mr. President. I didn't want to interrupt the witness,  
16 but otherwise I would have intervened.

17 Q. Let us clarify something, Witness M. You  
18 were observing the asphalt road at the moment some  
19 people surrendered. You were at the same spot as when  
20 you saw the buses and the excavator.

21 A. No. I was closer to the location. I was in  
22 Mranice and I was between the Krke wood and the brook.

23 Q. So this is another location; this is a  
24 different location?

25 A. Yes. I was watching people coming down to

1 the asphalt road and surrender from that wood, and I  
2 saw them leave in the direction of Konjevic Polje. And  
3 afterwards I left the Krke wood and I went in the  
4 direction of Jelah, and this is where I stopped, on a  
5 hill.

6 Q. Let us pause a little for the interpretation,  
7 and then I will ask my question.

8 So this is where you were on the 13th of  
9 July, in the afternoon?

10 A. Yes. In the morning. It was in the morning  
11 when I was at the Krke woods. And after that I left  
12 the Krke wood and I went to the area called Dolina.

13 Q. What time was it when you reached this other  
14 location?

15 A. It could have been 1.00, half past 1.00 in  
16 the afternoon.

17 Q. How far from you were the Serb soldiers, from  
18 the second location?

19 A. Well, maybe 500 meters away from me. They  
20 were on the asphalt road and I was in the forest, and I  
21 was watching from my vantage point. I didn't want to  
22 move, because I was afraid. I wanted to stay near the  
23 brook. And I was actually running from wood to wood.  
24 I was hiding all the time.

25 Q. If I understand you correctly, in the morning

1 you were on a location which was some 500 meters away  
2 from the asphalt road, and you were afraid that you  
3 would be found by Serb soldiers, so you moved to  
4 another location, which was also 500 meters away from  
5 the asphalt road.

6 A. Yes, and it was between Krke and Jelah.

7 Q. Thank you very much. My next question  
8 concerns the second location. You could see Serb  
9 soldiers from that location; is that right?

10 A. From the second location where I was between  
11 Krke and Jelah, in the area of Dolina? No, I could not  
12 see soldiers from there, going towards Cerska.

13 Q. Did you see Serb soldiers on the asphalt road  
14 from that point?

15 A. Yes, because the road was completely  
16 blocked. People were coming down from the area of  
17 Mranice and Krke and going towards Konjevic Polje.  
18 That whole area was completely sealed off. Nobody  
19 could get through. And they had posted their guards  
20 every ten -- there were bunkers everywhere, every ten  
21 to fifteen --

22 Q. Tell me: You saw three buses on that day?

23 A. Yes, on the 11th, in the afternoon, around  
24 1400 hours, yes.

25 Q. Were there Serb soldiers in those buses?

1           A.    I couldn't notice whether Serb soldiers were  
2   in the buses or not, whether there were civilians or  
3   ordinary people. I don't know. I just saw three  
4   buses.

5           THE INTERPRETER: Please slow down because of  
6   the interpretation.

7           MR. VISNJIC: [Interpretation]

8           Q.    So you couldn't see whether there was anyone  
9   in the buses?

10          A.    Because I was far away, I couldn't see. It  
11   was a large distance.

12          Q.    How do you know that those buses were full of  
13   people, or is it your assumption?

14          A.    It is my assumption, because later on I heard  
15   the shooting. I'm not sure, but I think that those  
16   were the people who had surrendered. I assumed that  
17   those were those people who went to Konjevic Polje, in  
18   the direction of Cerska. That is what me and my  
19   comrades thought, that they must be those people.

20          Q.    Witness M, you made a statement previously to  
21   the Tribunal and the Ministry of the Interior after you  
22   crossed into free territory?

23          A.    Yes. I told the truth everywhere. I made a  
24   statement, telling the truth, and I have come here to  
25   tell the truth, to tell everything I saw and

1 experienced.

2 Q. I know that some time has passed by since  
3 then and that perhaps your memories are not too  
4 precise, but I would like to show you the statement you  
5 gave to the Ministry of the Interior on the 22nd of  
6 November, 1995.

7 THE REGISTRAR: It will be Exhibit D15.

8 MR. VISNJIC: [Interpretation]

9 Q. On page 1 I have highlighted in yellow, to  
10 make it easier for you to find the place. There's a  
11 sentence which says: "On the 12th day, after I left  
12 Srebrenica, so that is on the 22nd of July, 1995, in  
13 the afternoon, from the direction of Konjevic Polje  
14 three white buses arrived, followed by an armoured  
15 personnel carrier on wheels, with an anti-aircraft gun  
16 on the turret and a yellow excavator loader."

17 My question is as follows: During your stay  
18 in the area of Pobudze did you see three buses driving  
19 in the direction of Cerska on a number of occasions or  
20 only once?

21 A. Only once, on the 13th of July, around 2.00  
22 in the afternoon. I'm sure of that.

23 Q. Thank you.

24 MR. VISNJIC: [Interpretation] Could I ask the  
25 usher for his assistance, please, with the next



1 exhibit. It is a statement given on the 17th of  
2 January, 1996, to the investigator of the Tribunal.

3 THE REGISTRAR: It is Exhibit D16.

4 MR. VISNJIC: [Interpretation]

5 Q. On page 4 --

6 JUDGE RODRIGUES: [Interpretation]

7 Mr. Visnjic, excuse me for interrupting you. It's  
8 simply to tell you that the method that you used for  
9 the other exhibit is a very good one, so you can use it  
10 in the future as well. I'm just telling you that we  
11 appreciate that very much, so please do that in the  
12 future as well. So you can continue, Mr. Visnjic.

13 MR. VISNJIC: [Interpretation] Thank you,  
14 Mr. President. I'm afraid on this exhibit I failed to  
15 mark the sentence, and I accept your criticism.

16 Q. On page 4, fourth paragraph, it starts: "At  
17 1400 hours --" Have you found the place?

18 A. Yes.

19 Q. "At 1400 hours we saw three white buses full  
20 of people coming from the direction of Konjevic Polje,  
21 going in the direction of Nova Kasaba. I could not see  
22 if the passengers were only men, but I assume that they  
23 were transporting prisoners who had surrendered."

24 A. Yes, I remember that. That is correct.

25 Fine.

1 Q. Yes, but in the previous paragraph it says,  
2 "The 14th of July, buses and trucks packed with people  
3 were passing along the road." So can you explain the  
4 difference between these two events?

5 A. Yes. The people were going from Konjevic  
6 Polje to Kasaba in trucks and buses; in the morning too  
7 they were passing by, and I followed all this and I saw  
8 all this. When in the afternoon they went towards  
9 Cerska, I thought that they were also civilians that  
10 they were taking. But when I saw them turn towards  
11 Cerska, I said, "Something is wrong." No, but the  
12 other one said, "They're taking them to free  
13 territory," and I said no, and I proved to be right.

14 Q. You said a moment ago that you didn't see  
15 whether they were full of people so you just assumed  
16 that?

17 A. Yes, I assumed that.

18 Q. Thank you. Witness M, you stayed in the  
19 area, if I understood you correctly, until around the  
20 25th of July for some 11 or 12 days in all?

21 A. After that, I couldn't pass. The Serbian  
22 army had withdrawn from the bunkers and freed the road,  
23 and I was able to pass. The first night I passed, they  
24 didn't fire. But we were all afraid, of course, all of  
25 us.

1 Q. Yes, but let's answer the question, please.

2 I assume that you were watching the road on a daily  
3 basis?

4 A. Yes, I was watching the road. Then I went  
5 back to the villages and hid in the woods. Another day  
6 the infantry started after us from Jaglici.

7 Q. Finally, you crossed to the other side and  
8 reached Udrc?

9 A. Yes. After that, I did. On the 16th or 17th  
10 day, I reached the Udrc mountain.

11 Q. During your stay on Udrc mountain, did you  
12 have any indications or did you hear that the Serb army  
13 was searching the area and following you?

14 A. Of course they were following us and  
15 monitoring us. I noticed them all, yes, everything.

16 Q. How long did this last while you were on  
17 Mount Udrc?

18 A. When I crossed the asphalt road, that was the  
19 18th day. I spent 25 days there on Udrc. This was in  
20 August when the army arrived and the APC. That was a  
21 Saturday at the beginning of August.

22 Q. For how long were they searching the area;  
23 for one month, two months, or did you have the feeling  
24 that they were there all the time?

25 I'm not asking you about that specific

1 event. I'm asking you, roughly, can you tell us an  
2 indication of the time they spent searching the area?  
3 Was it throughout the time you were there?

4 A. For a short time, no, only for about a few  
5 days, a short time. A short time, only two days. They  
6 were chasing people and those they managed to catch  
7 alive, and when they withdrew, then we came down and  
8 went through the woods. And later on I joined this  
9 group.

10 Q. Later you didn't come across Serb troops?

11 A. No, never again. And I was able to move  
12 around freely in Cerska, my place. We were safe  
13 there. It was better in Cerska and on Udrac mountain  
14 than in Pobudze because I was encircled on all sides  
15 there.

16 Q. But you did go back?

17 A. Yes, of course I did to Pobudze. I was  
18 looking for salt, we needed salt. There were dead  
19 people, our people, in the streams in the fields. And  
20 we searched their knapsacks to find some salt.

21 Q. This was at least a month later?

22 A. Yes, this was about mid-September.

23 Q. Let us go back to the incident when you  
24 discovered the mass grave. As far as I understood from  
25 your testimony, you moved around quite freely in that

1 area?

2 A. Yes. After the last search in August, we  
3 moved around freely in the woods and along the road.  
4 There were no searches, there was nothing, so we were  
5 free to move around in Cerska.

6 Q. When you found that grave, did you just find  
7 a pile of earth?

8 A. Yes, fresh earth on the left-hand side of the  
9 road. And on the right-hand side, I saw where the  
10 excavator had dug up the earth and traces of the wheels  
11 and I felt the stench of corpses.

12 Q. But you didn't see any corpses, you just felt  
13 the stench and the traces on the ground?

14 A. No, I just had this smell, and we noticed  
15 those traces of the excavator.

16 Q. Was there any grass covering that earth  
17 already or any weeds?

18 A. No, no. There was no grass, it was fresh.  
19 There was no grass on that earth, it was freshly moved  
20 earth.

21 MR. VISNJIC: [Interpretation] Thank you,  
22 Mr. President. I have no further questions.

23 JUDGE RODRIGUES: [Interpretation] Thank you  
24 Mr. Visnjic.

25 Mr. Cayley, do you have any additional

1 questions.

2 MR. CAYLEY: Mr. President, I have no  
3 questions for the witness in re-examination. Thank  
4 you.

5 JUDGE RODRIGUES: [Interpretation] Thank you  
6 very much, Mr. Cayley. Judge Riad

7 Questioned by the Court:

8 JUDGE RIAD: Yes, do I have a number of  
9 questions.

10 Good morning, Witness M. I would just like  
11 to start to ask you just a very few questions from  
12 where the Defence counsel stopped concerning the grave  
13 you found.

14 You found the grave in September when you had  
15 left Cerska and it was freshly dug earth, but you felt  
16 the stench and you assumed there were dead people  
17 inside.

18 A. Yes.

19 JUDGE RIAD: Could these be the people who  
20 were killed in July, would they smell if they are still  
21 entered in September, or you assume that they would be  
22 freshly killed people?

23 A. I assume they were the people who surrendered  
24 who went to Konjevic Polje, and I think they were  
25 there.

1 JUDGE RIAD: But there were no signs of dead  
2 bodies on the ground, it was all under the ground.

3 A. I didn't notice any bones or anything like  
4 that, only the smell.

5 JUDGE RIAD: You also mentioned that the  
6 houses were mined, the Uvalic brothers', and other  
7 houses were torched and so on, you saw them around.  
8 Did you understand or know anything about the people  
9 inside? Were they mined with the people inside, some  
10 of them, or were they empty houses?

11 A. Those houses of the Uvalic brothers, they  
12 were mined after Cerska fell and the people were  
13 evicted. It was after Cerska fell that the houses were  
14 mined. When I had left Cerska, they were still  
15 standing; not just those two houses but the entire  
16 village of Cerska. It was later that the houses were  
17 mined and the people chased out and the burning was  
18 done.

19 JUDGE RIAD: I'm trying to understand more  
20 about the buses you saw when you were going towards  
21 Cerska. I think both your testimony today as well as  
22 your statement indicates that you saw buses. You said  
23 there were three white buses with an excavator and APC,  
24 and you just counted almost the minutes you said they  
25 disappeared into the woods, and then the shooting

1 started a few minutes later. And that they were full.  
2 You saw that they were full, but you did not see what  
3 kind of people were inside. Was that right?

4 A. I didn't see whether the buses were full or  
5 empty, but I assume that there were people inside.

6 JUDGE RIAD: But for sure they were empty  
7 when they came back?

8 A. I'm sure they were empty when they came  
9 back. When the buses came back from up there, and the  
10 APC, and the excavator, the loader, I assumed that they  
11 had been full when I heard the shooting.

12 JUDGE RIAD: So when you were on this spot,  
13 what was exactly the scenario that you saw in your  
14 mind?

15 A. When I followed those three buses along the  
16 road from Konjevic Polje, crossing the bridge and going  
17 up there, I assumed that there were people inside and  
18 that they were taking them to be executed, and that is  
19 what happened and we heard the shooting. And when the  
20 shooting stopped, the buses came back along the same  
21 route, and the excavator/loader stayed behind a little  
22 longer for about half an hour after the buses and the  
23 APC.

24 JUDGE RIAD: All right. As far as the  
25 shooting was concerned, was it the shooting that was



1 heard in a battle or was it shooting you would hear in  
2 some kind of systematic way which indicates execution?

3 A. I heard very strong, heavy fire. It was very  
4 loud. It was -- there was a lot of noise, very heavy  
5 shell fire could be heard.

6 JUDGE RIAD: You mean it was guns or  
7 cannons? What do you call "heavy fire"? What do you  
8 think?

9 A. I think there were light arms and also  
10 machine-guns, bursts of fire from a machine-gun. One  
11 could hear it echoing along the valley. It was very  
12 loud.

13 JUDGE RIAD: But how long did it last  
14 approximately?

15 A. 15 minutes, half an hour, something like  
16 that.

17 JUDGE RIAD: And after the buses went back,  
18 there was no fire again, no bursts of fire?

19 A. No, because probably the APC came after the  
20 buses, only the excavators stayed there a little  
21 longer.

22 JUDGE RIAD: You mentioned a man whom you met  
23 who was noting all that happened and he was coming from  
24 an execution site, he was a survivor of an execution.  
25 Was that right?

1           A.     That man at Udrc, yes.

2                   JUDGE RIAD:   Now, did he tell any details  
3   about the execution he lived out of, the number of  
4   executed, who did the execution?

5           A.     He told us then, and this man took everything  
6   down in a notebook, he said that he had escaped from an  
7   execution site. We didn't believe him. He showed us  
8   the wounds. It was either Lolici or Kravica in a  
9   hangar. That's what he said.

10                  He recognised a relative of his from Cerska  
11   and he gave his name, but he didn't know the others.  
12   That is what he told us. And he managed to escape the  
13   execution. And I didn't see him again. I don't know  
14   what his destiny was, whether he's alive or not.

15                  JUDGE RIAD:   And the number of executed, he  
16   did not give you an indication?

17           A.     No, he didn't mention numbers because he  
18   couldn't hear too well. Anyway, he was going deaf. He  
19   was showing with his fingers that he had gone deaf.  
20   That man was there with us until Udrc fell. I didn't  
21   see him again. Whether he crossed into free territory,  
22   whether he survived or not, I don't know. But he came  
23   to Udrc and he told me that he had come from this  
24   execution site. I can't remember exactly whether he  
25   said Lolici or Kravica, he didn't know exactly anyway,

1 but he did say he had come from an execution site.

2 JUDGE RIAD: Thank you. My last question,  
3 and you can answer it if you know anything. You  
4 mentioned on the 11th of July when the Serbs entered  
5 Srebrenica, the men preferred to go to the woods so not  
6 to be massacred, but the women and children went to  
7 Potocari. What happened to the women and children?  
8 Were they safe?

9 A. The women and children went to Potocari and  
10 we, who were able-bodied went into the woods.

11 I told my wife and mother, "Go to Potocari  
12 and look after the child, and I'm going into the  
13 woods. If I survive, fine. If not, who knows." I  
14 didn't know whether I would manage to cross into free  
15 territory. My father was there. He was born in 1932.  
16 And I and my brothers were telling him to go to  
17 Potocari, to go with the women, but the old man said,  
18 "I won't, I daren't, they may kill me. If you survive  
19 I will too. If you get killed, I get killed too. I'm  
20 not sure about going to Potocari."

21 My nephew who was 14 or 15, he just said,  
22 "I'm going to Potocari with the women." But he didn't  
23 reach free territory.

24 JUDGE RIAD: And why didn't he reach it?

25 A. Because I heard that there was a disaster

1   there.   They separated the young boys and they took  
2   them away and executed them as -- at their free will.

3               JUDGE RIAD:   He was 14 years old?

4           A.   Yes, my nephew was 14.

5               JUDGE RIAD:   I'm sorry to evoke these  
6   memories, but we have to know the truth.

7               Thank you very much, Witness M.

8               JUDGE RODRIGUES: [Interpretation] Thank you.

9           A.   Thank you.   I thank Your Honours and  
10  everybody working on this.   I have come just to tell  
11  the truth.   And whoever is on the list of war crimes  
12  regardless of what ethnic group they belong to, they  
13  need to be arrested and tried and brought to court, to  
14  justice.   If they had been good and if all those Serb  
15  soldiers had known about The Hague, they wouldn't have  
16  done what they did.

17              JUDGE RODRIGUES: [Interpretation] Witness M,  
18  you still haven't finished your testimony.   Judge Wald  
19  has questions for you so will you please answer them.

20              Judge Wald.

21              JUDGE WALD:   Witness M, you told us this  
22  morning that on July 13th, you said July 13th was the  
23  day that you saw the buses, the three buses; is that  
24  right?

25           A.   Yes.

1 JUDGE WALD: You said that when you first saw  
2 them, "some of the people", and I assume you mean some  
3 of the other men that you were with began shouting that  
4 these must be our women and children, that they're  
5 taking to Tuzla. Had you seen any buses that same day,  
6 that is July 13th, of women and children going on the  
7 road to Tuzla so that these people around you would  
8 assume this was another set of those buses. Had you  
9 already seen some buses on the road with women and  
10 children going in the direction of Tuzla on Kladanj?

11 A. On the 13th, I was watching everything and I  
12 saw everything; the buses and trucks going from  
13 Konjevic Polje towards Kasaba. We assumed that the  
14 people were going to Potocari, were being transported.

15 JUDGE WALD: But had you seen, previously,  
16 some other buses which you were sure, from your sight,  
17 did contain women and children either that day or -- I  
18 guess, that day?

19 A. We assumed when those buses and trucks were  
20 going to Kasaba, we assumed that the people were being  
21 carried but the other three --

22 JUDGE WALD: I understand that but referring  
23 to the statement that you gave to the Prosecutor, you  
24 had said you had a different date then. But leaving  
25 that aside, you said, "Buses and trucks packed with

1 people were passing along the road. We could see that  
2 women and children were on board."

3               So I was asking you although you didn't say  
4 that in your testimony today whether the reason the men  
5 around you assumed that these were women and children  
6 because they had actually seen prior buses of women and  
7 children such as you mentioned in your statement to the  
8 Prosecutor.

9           A.   Those buses and trucks that were going  
10 towards Kasaba and the people who were with me, they  
11 were all saying that they were transporting women to  
12 free territory.

13               But at 12.00 when they turned towards Cerska,  
14 I said, "They're driving them to execution." But I --  
15 they said, "No, to free territory," but I said, "to  
16 execution."

17               JUDGE WALD: No, I understand that very  
18 well. I was trying to reconcile what you said  
19 previously in your statement that you had earlier seen  
20 buses and trucks, actually seen them with women and  
21 children on board and that's why people might well have  
22 assumed, to begin with, that these buses had women and  
23 children. But you don't remember that right now,  
24 right, whether you had earlier seen, actually seen  
25 buses with women and children. I know these were not

1 the same.

2 A. Those three buses that went to Cerska, I said  
3 that they were men being taken to execution whereas the  
4 others were taking the women.

5 JUDGE WALD: Okay. When those three buses  
6 returned, when you saw them come back, returned, and  
7 you were sure that they were empty, where did they go?  
8 I mean when they passed by coming back empty, where did  
9 they go? What direction did they go?

10 A. They went in the direction of Konjevic  
11 Polje. They came from that spot in Cerska towards  
12 Konjevic Polje.

13 JUDGE WALD: Okay. Now, let me ask you about  
14 the statement that Defence counsel mentioned that you  
15 gave to the Ministry of the Interior. I notice that  
16 that was given on November 22nd. I believe that would  
17 be just four days after you came into the free  
18 territory since you said in your testimony you had been  
19 wandering and you had been in flight and didn't get  
20 over to the free territory until November 18th.

21 So this statement in which you said that this  
22 all happened on July 22nd, not July 13th, was given  
23 only four days after you got back into the free  
24 territory after wandering around for months; is that  
25 right?

1           A.     Let me tell you. I arrived on the 18th of  
2 November.

3           JUDGE WALD: Right.

4           A.     That is true. And when I gave that  
5 statement, I was in Tuzla, on free territory.

6           JUDGE WALD: Right, four days later. I was  
7 only bringing it up to see if you thought that might be  
8 the explanation for why, since you had just been into  
9 free territory for four days after wandering around for  
10 months, your sense of the time might not have been as  
11 accurate as your later memory.

12          A.     I remember giving that statement. That's  
13 all.

14          JUDGE WALD: Okay. Thank you.

15          JUDGE RODRIGUES: [Interpretation] Thank you  
16 very much, Judge Wald.

17          Witness, I think that was your final  
18 statement in a sense. I should like to tell you that  
19 we agree with you that regardless of ethnic origin, all  
20 people responsible of crimes should be judged, we agree  
21 with you. Because the acts committed do not change  
22 their horrible nature depending on the ethnicity of the  
23 perpetrators. They are always horrendous.

24          Therefore, Witness M, thank you very much for  
25 coming and we wish you a safe journey home.



1           A.     I wish to thank you too, Your Honours.

2                   JUDGE RODRIGUES: [Interpretation] Don't move  
3 now because we are going to have a 15-minute break, but  
4 before that, I should like to check whether we are  
5 having a witness with the same protective measures  
6 which means an open hearing, and there are some  
7 exhibits to regulate. Exhibit 120 and 121 of the  
8 Prosecution and Exhibit D-15 and D-16 of the Defence.

9                   Mr. Cayley, perhaps you could cover all the  
10 exhibits together, both of the Prosecution and the  
11 Defence. I think regarding the Defence exhibits, we  
12 have to bear in mind the need to protect the witness.  
13 So we would perhaps tender them under seal and have a  
14 redacted version open to the public.

15                  Mr. Cayley.

16                  MR. CAYLEY: Mr. President, I agree entirely  
17 with you in respect to the Defence exhibits. That's  
18 what I would have suggested what you've stated and I  
19 would simply apply for admission into evidence Exhibits  
20 120 and 121, the exhibits of the Office of the  
21 Prosecutor.

22                  JUDGE RODRIGUES: [Interpretation] You may be  
23 seated, Mr. Cayley.

24                  Mr. Visnjic, in relation to all these  
25 exhibits, please.

1                   MR. VISNJIC: [Interpretation] Mr. President,  
2 we have no objections regarding the exhibits of the  
3 Prosecution. We would just like to observe, to look  
4 through the statements. But I see that the name of the  
5 witness is indicated in handwriting on the top of the  
6 page, so it would be a good idea to scratch those names  
7 too.

8                   JUDGE RODRIGUES: [Interpretation] Yes. So  
9 exhibits are admitted bearing in mind the  
10 confidentiality of the exhibits. That is D-15 and  
11 D-16. We will have a version under seal and another  
12 after redaction open to the public.

13                   You will bear that in mind, Mr. Dubuisson.

14                   THE REGISTRAR: [Interpretation] Yes, Mr.  
15 President.

16                   JUDGE RODRIGUES: [Interpretation] And  
17 perhaps you could bring the next witness into the  
18 courtroom during the break. So we're going to have a  
19 15-minute break now.

20                   [The witness withdrew]

21                   --- Recess taken at 1.28

22                   --- On resuming at 1.46 p.m.

23                   JUDGE RODRIGUES: [Interpretation] Good  
24 afternoon, Witness N. Can you hear me?

25                   THE WITNESS: Yes, I can.

1 JUDGE RODRIGUES: [Interpretation] Thank you.

2 Could you please stand up. You will first read the  
3 solemn declaration that the usher will give you.

4 THE WITNESS: [Interpretation] I solemnly  
5 declare that I will speak the truth, the whole truth,  
6 and nothing but the truth.

7 WITNESS: WITNESS N

8 JUDGE RODRIGUES: [Interpretation] You may be  
9 seated now. The representative of the Registry will  
10 now show you a piece of paper with something written on  
11 it. It is your name. You will have a look at it and  
12 tell us, by saying simply "yes" or "no," if it is  
13 indeed your name.

14 THE WITNESS: Yes.

15 JUDGE RODRIGUES: [Interpretation] So it is  
16 your name that is written on this piece of paper.

17 THE WITNESS: Yes, it is.

18 JUDGE RODRIGUES: [Interpretation] I hope  
19 you're comfortable here, Witness.

20 THE WITNESS: Yes, I am.

21 JUDGE RODRIGUES: [Interpretation] I hope  
22 you've been well treated by the staff here at the  
23 Tribunal.

24 THE WITNESS: Yes. Yes, I have.

25 JUDGE RODRIGUES: [Interpretation] We shall

1 try to do the same, Witness N. We will be referring to  
2 you as Witness N during your testimony in order to  
3 protect you. You will first answer questions that will  
4 be put to you by Mr. Harmon. Thank you for coming to  
5 the Tribunal.

6 Mr. Harmon, you have the floor.

7 MR. HARMON: Thank you, Mr. President. Good  
8 a afternoon, Your Honours; good afternoon to my  
9 colleagues.

10 Examined by Mr. Harmon:

11 Q. Witness N, good afternoon.

12 A. Good afternoon.

13 Q. How old are you?

14 A. I'm 60.

15 Q. Have you lived in the municipality of  
16 Srebrenica all your life?

17 A. Yes, I have.

18 Q. Are you a Muslim by faith?

19 A. Yes, I am.

20 MR. HARMON: Mr. President, the next two or  
21 three questions I'm going to ask the witness could in  
22 some way identify him, so if I could go into private  
23 session for two or three questions only.

24 JUDGE RODRIGUES: [Interpretation] Yes,  
25 Mr. Harmon. We will go into private session.

1 [Private session]  
2 (redacted)  
3 (redacted)  
4 (redacted)  
5 (redacted)  
6 (redacted)  
7 (redacted)  
8 (redacted)  
9 (redacted)  
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18 (redacted)  
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20 (redacted)  
21 (redacted)  
22 (redacted)  
23 (redacted)  
24 (redacted)  
25 (redacted)

1 (redacted)

2 (redacted)

3 (redacted)

4 (redacted)

5 (redacted)

6 (redacted)

7 [Open session]

8 JUDGE RODRIGUES: [Interpretation] We are in  
9 open session. Mr. Harmon, you may continue.

10 MR. HARMON: Thank you.

11 Q. Witness N, after the Srebrenica enclave --  
12 after Srebrenica became --

13 A. Yes.

14 Q. -- a UN safe area, did you remain in the  
15 Bosnian Muslim army or were you released from the army?

16 A. I was released. I didn't remain.

17 Q. All right. Now, at the time of the takeover  
18 of the enclave by the Bosnian Serb army, were you  
19 living --

20 A. I cannot remember the date.

21 Q. Witness N, let me finish asking my question  
22 before you answer, and we will progress very nicely.  
23 At the time the enclave was taken over by the Bosnian  
24 Serb army, with whom were you living?

25 A. With my wife, my son, my daughter-in-law, a

1 child, and a daughter.

2 Q. And did you live approximately 15 kilometers  
3 from the town of Srebrenica?

4 A. Yes, I did.

5 Q. Now, Witness N, I'd like to focus your  
6 attention on the 11th of July and ask you to remember  
7 back to the 11th of July, and could you tell the Judges  
8 what you were doing at the time you learned of the  
9 attack on the enclave?

10 A. On the 11th of July I was collecting hay,  
11 together with members of my family.

12 Q. Tell the Judges, if you would, Witness N, how  
13 you learned about the attack and what you did in  
14 response to that information.

15 A. When I got home, I saw that my neighbours had  
16 gathered at one point, that they had taken their  
17 belongings, whatever they could carry, and I asked,  
18 "What is going on?" And they told me that somebody  
19 from the civil defence had come and told them to leave  
20 the village. Women, children and the elderly were  
21 supposed to go to the UNPROFOR base in Potocari, and  
22 the able-bodied men were supposed to go wherever they  
23 could.

24 Q. Witness N, did you then go to Potocari?

25 A. Yes, I did.

1 Q. And who accompanied you to Potocari?

2 A. My wife went with me, my daughter, my  
3 daughter-in-law, and my grandchild.

4 Q. And how long did it take you to get from your  
5 village to Potocari on foot?

6 A. It took us around three hours, over the hills  
7 to Potocari.

8 Q. Did you arrive in Potocari in the night-time  
9 or in the daytime?

10 A. In the night-time I arrived in Potocari.

11 Q. Do you remember where you and your family  
12 took refuge in Potocari?

13 A. Yes, I do. We took shelter at the Sacmara  
14 factory, the bauxite factory, within the compound of  
15 the factory.

16 Q. All right, Witness N. Now I'd like to turn  
17 your attention to the next day, the 12th of July. And  
18 at some point of time on that day did you and did  
19 members of your family attempt to board a bus?

20 A. Yes, I did.

21 Q. When you were attempting to board a bus, what  
22 happened to you, Witness N?

23 A. Serb soldiers were standing next to our  
24 column, and they grabbed me by the shoulder and they  
25 told me, "Come here, old man. Get out of there."



1 Q. And what happened to your family?

2 A. My family went in the direction of the buses.

3 Q. Did they, in fact, board a bus and did they,  
4 in fact, arrive safely in the free territory?

5 A. Yes, they did.

6 Q. Now, where did you go?

7 A. To the left side of the road, and I remained  
8 standing there.

9 Q. Were you taken to a particular building after  
10 you had been separated?

11 A. After they had gathered a group of people, 15  
12 to 20 people, Serb soldiers told us that we could no  
13 longer stand there, and they told us to go up the hill  
14 to a partly finished house. And this is where we  
15 went. We entered the ground floor of that unfinished  
16 house and sat down, and they stood guard around us.

17 Q. Can you describe how the soldiers who  
18 separated you and how the soldiers who guarded you at  
19 this location were dressed?

20 A. They were dressed in green camouflage  
21 uniform.

22 Q. Witness N, while you were in the building,  
23 were there other Muslim men also detained along with  
24 you?

25 A. Yes, there were.

1 Q. Approximately how many were located in the  
2 building, in the part of the building where you were  
3 being detained?

4 A. About 200.

5 Q. At some point during the period of your  
6 detention in that building, did you see General Mladic?

7 A. Yes, I did.

8 Q. Tell the Judges about that particular  
9 encounter with General Mladic.

10 A. One of the Serb soldiers, after quite a few  
11 of us had gathered there and after we had asked him why  
12 we had been separated, told us, "I don't know. General  
13 Mladic is coming now, so you can ask him."

14 And then an officer appeared. He wasn't  
15 wearing any hat, any cap. He had balding, receding  
16 hair. He emerged from the road and he was accompanied  
17 by three or four other Serb soldiers and he came to the  
18 door of the house where we were. And he said, "Hello,  
19 neighbours," and he asked us if we knew him. Some of  
20 us said yes, some of us said no. And then Ratko Mladic  
21 said, "Well, those who don't know me now have an  
22 opportunity to see me." And then I asked him a  
23 question: "General, why are you separating us from our  
24 families?" And he said, "I have 180 Serbs captured in  
25 Tuzla. Your people do not want to release them, so I

1 have to have 180 of you so that I could exchange you  
2 for them." And then he went back along the same way  
3 and we remained sitting there.

4               When night fell, we were ordered by the Serb  
5 soldiers who were standing guard around us to take our  
6 belongings and to move ahead in front of their  
7 soldiers. Those who were sitting outside the house  
8 stood up first, and they then went in the direction of  
9 Bratunac, across the fields. Those of us who were  
10 inside the house followed them, and we covered about  
11 200 meters and after that we turned right, to the  
12 right, and went along the road leading from Potocari to  
13 Bratunac.

14              We got to the road leading to the battery  
15 factory, which was in the vicinity of the UNPROFOR  
16 base, and two buses stood parked there. And the men  
17 who arrived first boarded the last bus, and those who  
18 came afterwards boarded the first bus. I got on the  
19 first bus, and at that time it was already crowded, and  
20 I could see on the right-hand side, on the right side  
21 of the bus, I could see General Mladic and several  
22 other soldiers around him.

23              When I got on the bus, I saw a red car ahead  
24 of the bus, and after everybody had got on the bus, a  
25 Serb soldier entered the bus and he went to the

1 driver. And he was standing there and carrying an  
2 automatic rifle. General Mladic approached the bus and  
3 he told the driver to shut the door and to follow the  
4 red car. The driver shut the door of the bus, and the  
5 red car set off and we followed it. And this is how we  
6 reached Bratunac. After that we went in the direction  
7 of Kravica.

8 Q. Let me interrupt you there for a minute,  
9 Witness N. How many men were in the bus along with  
10 you?

11 A. As many as they could put on the bus, because  
12 we were being told to move backwards to the bus, and  
13 this is how we got in. We were all cramped in that  
14 bus.

15 Q. Was there a guard on the bus that accompanied  
16 you in the direction of Bratunac?

17 A. Yes. There was a soldier who was armed with  
18 an automatic rifle. It was a Serb soldier.

19 Q. Do you remember how that soldier was dressed?

20 A. In camouflage uniform.

21 Q. What colour was the camouflage uniform?

22 A. Green and dark green.

23 Q. Now, where did you go in that bus?

24 A. We went to Bratunac.

25 Q. And do you know -- did you stop in Bratunac?

1           A.    Yes, we did.

2           Q.    Did you recognise the location where you had  
3   stopped?

4           A.    I recognised the location after we had passed  
5   by a school building. After that we stopped in front  
6   of an abandoned warehouse.

7           Q.    What happened when you stopped in front of  
8   that abandoned warehouse?

9           A.    We found a group of Serb soldiers there, and  
10   one of them approached the bus, the driver opened the  
11   door of the bus, and he ordered us out of the bus and  
12   he told us to march in front of the Serb soldiers.  
13   They had made a column, and we were marching in front  
14   of them, and this is how we entered the warehouse.

15          Q.    Approximately how many Serb soldiers were  
16   waiting for the arrival of your bus?

17          A.    Between 10 and 15.

18          Q.    Do you have any recollection as to how those  
19   soldiers were dressed?

20          A.    They were dressed in camouflage uniforms as  
21   well.

22          Q.    Do you remember the colour, or were you able  
23   to distinguish the colour of those uniforms?

24          A.    Again, green and dark green camouflage  
25   uniforms. This is how we called them: camouflage

1 uniforms.

2 Q. Did you and did all of the men who were on  
3 the bus in which you travelled get off the bus and go  
4 into the warehouse?

5 A. Yes, they did.

6 Q. And what did you do when you got inside the  
7 warehouse building?

8 A. We sat down.

9 Q. What kind of a room was it that you sat down  
10 in?

11 A. It was off-white in colour. It had not been  
12 properly maintained, that warehouse.

13 Q. Do you remember the approximate dimensions of  
14 the room where you and the other men sat down?

15 A. I think that it was about 15 meters long and  
16 7 to 8 meters wide.

17 Q. Now, after you and the men from your bus  
18 entered that room in the warehouse, did other Muslim  
19 men continue to arrive and fill the room?

20 A. Yes, they did.

21 Q. Can you describe eventually how full that  
22 room was with Muslim men?

23 A. After the last group had been brought in, we  
24 were ordered to stand up and to move to the back, so  
25 that the last group who was outside could also get in.

1 So we moved to the back as far as we could, and then  
2 the last group entered the warehouse and then we were  
3 ordered to sit down. But there was no longer enough  
4 room for everyone to sit down, so somebody -- some  
5 people sat down and others sat on their laps.

6 Q. Witness N, do you remember approximately what  
7 time of the evening it was when you arrived at this  
8 particular warehouse on the 12th of July?

9 A. It could have been about 10.00 at night.

10 Q. Now, could you tell the Judges your  
11 experiences that you had and what you observed  
12 happening to the other Muslim men who were in that room  
13 that particular night and the early morning hours that  
14 followed?

15 A. When we entered, there wasn't enough room,  
16 and we complained that we would suffocate. And then  
17 the Serb soldiers shot over our heads and shouted,  
18 "Keep silent or we'll kill you all," and then we fell  
19 silent. Then someone in the area where we had entered  
20 said, "You 12 have to carry out the assignment given to  
21 you. Do you understand that?" And he was speaking in  
22 a sharp tone. And then a group said, "Yes, sir," as  
23 one. And then Serb soldiers came with flashlights and  
24 they lighted us up. And then they asked where people  
25 were from, the people from Glogova, people from Cerska,

1 people from Bratunac, and people answered. And then  
2 they said, "The people from Glogova get up." One man  
3 got up. The Serb soldiers said, "Come out here." He  
4 left the warehouse to the left, the direction through  
5 which we had entered the warehouse. We could hear  
6 blunt blows and his screams and moans. When all this  
7 stopped, again they came back with their flashlights,  
8 calling out people from various places. Nobody  
9 admitted to being from those places, so then the  
10 flashlight was pointed at anyone at random, and that  
11 person had to get up and go out. That is how they  
12 continued to kill people.

13                Sometimes they would bring somebody back,  
14 badly beaten up, carrying them by the arms. They  
15 brought them to the doorway, and then a third one would  
16 push him into the room, and then the people were  
17 carrying -- that would carry this person from one hand  
18 to another. And this went on until the morning.

19                In the morning they stopped taking people  
20 out. The people holding the dead complained that they  
21 couldn't stand it any longer, and they wanted to have  
22 them carried out. And so they allowed it and they let  
23 the people take out the dead bodies. Two people would  
24 take out the body and carry it outside the hall, behind  
25 the warehouse.



1           Q.     Witness, let me stop you right there and ask  
2     you some questions, some additional questions about  
3     that particular night in the early morning hours. Were  
4     you able to hear the soldiers who were guarding you  
5     talk amongst themselves?

6           A.     I was. They introduced themselves. They  
7     asked us, "Do you know who we are, whose soldiers we  
8     are?" We kept quiet; we didn't reply. And then they  
9     would hit each other on the soldier and say, "This one  
10    is an Arkanovac," and he would say yes. And then  
11    another one would say he belonged to the wolves, Drina  
12    Wolves, and he would say yes.

13          Q.     Now, during the night, in the early morning  
14    hours of the following morning, were you given any  
15    food? Were you given any water?

16          A.     When they carried out the dead, we heard two  
17    trucks approaching the warehouse. We thought that they  
18    would be transporting us somewhere; however, a Serb  
19    soldier came to the doorway and said, "I need 10  
20    volunteers, hard-working ones and younger ones, to do  
21    something for us." We knew immediately that they would  
22    be loading the bodies.

23          Q.     Now, Witness N, let me just ask you to answer  
24    the question that I ask, and that is: Did you receive  
25    any water or did you receive any food the night of the

1 12th and the morning hours of the 13th?

2 A. We didn't receive anything until the  
3 morning.

4 Q. Now, I interrupted you, and you were telling  
5 us about ten men who had been taken out. Would you  
6 please continue with your observations and what you  
7 recall about that incident.

8 A. Then they picked ten men, pointing them out  
9 with their fingers. Ten of them went out. There was  
10 silence for a while. While we could hear those motor  
11 vehicles departing from the warehouse, these ten men of  
12 ours never reappeared amongst us again.

13 Q. Were toilet facilities available to you and  
14 the other men who were being detained in the warehouse?

15 A. Then they allowed us to go to the toilet and  
16 they showed us, as you go out of the warehouse, on the  
17 right-hand side, there was a room to be used as a  
18 toilet. So we went out, and I went out too.

19 As I was coming from the toilet, I saw them  
20 taking one out of the line of men and taking him to the  
21 left. I saw two men standing on the left-hand side.  
22 There were Serb soldiers, two on the left, three on the  
23 right, and there was one facing the warehouse with an  
24 automatic rifle in his hand and shouting, "Come to me."

25 And as he went toward him, he had stopped for a

1 while, and this one kept saying, "Come here."

2 And then on the left hand, the soldier  
3 standing to the left hit him with an iron rod on the  
4 head. And the Serb soldier standing on the right had a  
5 hatchet, and hit him on the back with the blade of the  
6 hatchet.

7 I entered the big room, but they continued  
8 taking men out and killing them. And this went on  
9 until the afternoon.

10 Q. Now, when you say "they took men out" and  
11 continued killing them, to whom are you referring?

12 A. Serb soldiers. I mean Serb soldiers.

13 Q. Were they dressed in the same fashion that  
14 you've described earlier or were they dressed in a  
15 different fashion?

16 A. They were dressed in the same fashion.

17 Q. Now, what time in the afternoon of the 13th  
18 did the killing stop?

19 A. About 4.00 in the afternoon, about 1600  
20 hours.

21 Q. What happened then?

22 A. Then, again, we heard two motor vehicles  
23 approaching the warehouse. Again, one of the Serb  
24 soldiers asked for ten men to go out to do something  
25 for them. Nobody volunteered, so he selected ten men,

1 who went out.

2           There was silence for a while, and then again  
3 we heard the engines being turned on and the vehicles  
4 going away. Those ten men never returned to the  
5 warehouse either.

6           Q.   What happened then, Witness N?

7           A.   Then they stopped killing and they said  
8 General Mladic is coming now. And he appeared in the  
9 doorway, a general of the Serb army, Ratko Mladic. We  
10 asked him, "Why are you keeping us here? Why are you  
11 choking us here? Why don't you take us some place?"

12           He said, "I haven't managed to negotiate your  
13 exchange earlier. We have agreed now, and you will all  
14 be exchanged and you're going to Kalesija to be  
15 exchanged. But let one of your men count how many you  
16 are so that I can determine how many buses I need."

17           One of our men got up, and when he counted  
18 us, he said to Ratko Mladic that there were 296 of us.

19           He said, "Sit down and vehicles will be  
20 coming to transport you to Kalesija."

21           Q.   Now there were 296 men reported to be in the  
22 room, in the warehouse where you were located?

23           A.   Yes, yes.

24           Q.   To your knowledge, were there other Muslim  
25 men located in other parts of the warehouse, if you

1 know?

2 A. When they came back, those of them who had  
3 taken the dead out of the warehouse, they came back in  
4 tears. We asked them, "What's wrong?" And they said,  
5 "It's not only that they're killing here, but they're  
6 killing somewhere else. They're bringing our men; our  
7 men are bringing them and putting them on the same  
8 pile."

9 I heard this from the man who had taken out  
10 the dead bodies from our warehouse.

11 Q. And when you say the men who had taken out  
12 the dead bodies from your warehouse room, you're  
13 talking about the five dead Muslims who had been --

14 A. Yes, yes, the five dead Muslims that ten of  
15 our men carried out.

16 Q. And so what is your conclusion, Witness N,  
17 based on the conversations that you had with the men  
18 who had taken out the dead and returned? Is it your  
19 conclusion that there were other Muslim men being  
20 detained in the same warehouse but at different parts  
21 of the warehouse?

22 A. That was our conclusion, that somewhere in  
23 the immediate vicinity there must have been other  
24 Muslim men that were being killed.

25 Q. Now, at some point in time on the 13th, did

1 some buses and trucks arrive at the warehouse to  
2 transport you and other Muslim men to another location?

3 A. Yes. Six buses arrived and then the Serb  
4 soldiers gave orders that we should get up and form a  
5 line one by one, because vehicles had come to transport  
6 us. We got up.

7 When I got out, I saw six buses standing in  
8 the immediate vicinity. I could recognise Bauxite  
9 Milici and Centrotrans Sarajevo; those were the  
10 markings on the buses. I didn't recognise the other  
11 markings.

12 Q. Now, you say Bauxite Milici. Is Milici down  
13 in the Srebrenica municipality or in a different  
14 municipality?

15 A. It is a small town within the territory of  
16 Vlasenica municipality.

17 Q. And I believe you also said there was another  
18 location, another mark on the bus that you noticed.  
19 What was the other mark that you noticed?

20 A. Centrotrans, from Sarajevo.

21 Q. All right. Now, do you know the approximate  
22 time that these buses arrived on the 13th?

23 A. It was an hour before nightfall.

24 Q. Did you get on one of those buses?

25 A. I did. I got on to a bus with Centrotrans

1 Sarajevo written on it.

2 Q. How many men besides yourself got on this  
3 Centrotrans bus?

4 A. There were quite a number standing who didn't  
5 have enough seats to sit down, but I didn't count them.

6 Q. So all the seats were filled on the bus and  
7 there were people standing in the aisle; is that  
8 correct?

9 A. Yes, yes.

10 Q. Now, of the 296 men who were in the room of  
11 the warehouse where you were located, were you able to  
12 estimate the ages, the range of ages of the men who  
13 were in that room?

14 A. They were up to 60 and some were over 60.  
15 There was some who could hardly move with a stick.

16 Q. Do you have an estimate as to the youngest  
17 person in the room, in your room?

18 A. When we were coming out of the room into the  
19 bus, I didn't see any young people.

20 Q. Now, did you leave Bratunac?

21 A. We did.

22 MR. HARMON: Now, if I could have  
23 Prosecutor's Exhibit 1/E/1 placed on the ELMO.

24 Q. I'm going to ask you to indicate on this map,  
25 Witness N, for the benefit of the Judges, the direction

1 that you travelled after you left Bratunac. There is a  
2 pointer -- there should be a pointer in front of you.  
3 Do you see the town of Bratunac?

4 A. Yes, I do. I do. I see it. Here it is  
5 [indicates].

6 Q. Could you use your pointer and show the  
7 Judges your route of travel after you left Bratunac.

8 A. From Bratunac, we went towards Serbia  
9 [indicates]. We reached the Drina River. There's a  
10 bridge leading to Serbia. We didn't cross that  
11 bridge. So we went to the left, towards Zvornik  
12 [indicates]. We reached Zvornik, and then we went on  
13 to Karakaj. When we got to Karakaj, we turned left,  
14 when we got to a school and a large hall attached to  
15 the school.

16 Q. Now, let me stop you there for just a minute,  
17 Witness N.

18 MR. HARMON: For the record, on Prosecutor's  
19 Exhibit 1/E/1, the witness pointed to a road that goes  
20 from Bratunac toward the Drina River, in a direction to  
21 the right side of the exhibit, and then follows the  
22 course of the river up through Zvornik to a town which  
23 is marked on the map, called Karakaj. Then the witness  
24 indicated that the bus turned left on a road that is  
25 marked, and there's a town on that which I,



1 unfortunately, can't read off of the ELMO, but it looks  
2 to me like it begins with the letter "P."

3 Q. Witness N, can you see the -- it looks like  
4 Petkovci, so that is --

5 A. Petkovci.

6 Q. -- the route that the witness travelled.

7 Thank you, Witness N.

8 MR. HARMON: I'm finished with that  
9 exhibit.

10 Q. How long did it take you from the time you  
11 left Bratunac to the time you got to this destination  
12 up near Petkovci, near this school?

13 A. Five hours.

14 Q. Were there interruptions along the journey,  
15 along the route?

16 A. Yes, there were several breaks.

17 Q. Do you know -- strike that. Were you able to  
18 look around in your bus and see how many vehicles in  
19 your convoy were going north towards Zvornik?

20 A. No, I could only see the bus in front of me.

21 Q. Now, on your bus, was there a guard or more  
22 than one guard?

23 A. There were; one, only one guard, armed with  
24 an automatic rifle, wearing a camouflage uniform.

25 Q. Now, let me ask you this: Did you see any

1 other buses that -- strike that. The vehicle that you  
2 saw in front of you, was it a bus or a truck?

3 A. A bus.

4 Q. Were you able to see whether that bus was --  
5 how many people were in that bus?

6 A. One could see through the windows that there  
7 was a whole line of people standing in the aisle, that  
8 there wasn't enough room for everyone to sit down.

9 MR. HARMON: Now, could I have that Exhibit  
10 1/E/1 placed back on the ELMO, please, because I may  
11 have indicated incorrectly the direction.

12 Q. What I'd like you to do, please, Witness N,  
13 again take that pointer and -- take your pointer and  
14 could you tell me when you got to the town of Karakaj.  
15 There appear on that diagram to be two roads; one below  
16 the town of Karakaj and one directly above the town of  
17 Karakaj.

18 Do you know which of those two roads you took  
19 or do you merely recall turning left near the town of  
20 Karakaj?

21 A. I just remember that we turned left. It was  
22 night-time, and the windows of the buses were not very  
23 clean, so one couldn't know, and I'm not very familiar  
24 with the area either.

25 MR. HARMON: Thank you, very much.

1 Mr. President, we normally break at this time. I'm  
2 prepared to continue or to take a break at this time.

3 JUDGE RODRIGUES: [Interpretation] Yes, I  
4 think we need to adjourn. It is time. Shall we  
5 adjourn.

6 Yes, Mr. Visnjic, you have something to say?

7 MR. VISNJIC: [Interpretation] Mr. President,  
8 it is not linked to this witness, but if you have  
9 decided that we should adjourn -- but reviewing the  
10 transcript on page 94 line 7, the last answer given by  
11 the previous witness, Witness M, and his last answer to  
12 Judge Wald's question.

13 I think during the translation, and I must  
14 say that we all found the witness rather hard to  
15 follow, I think that during the translation, an error  
16 was made, so that the answer of that witness differs  
17 from the meaning in the transcript.

18 I intervened with the interpreters, and they  
19 will probably be correcting the transcript. So I wish  
20 to make this formal objection so that it shall be  
21 registered.

22 [Trial Chamber confers]

23 JUDGE RODRIGUES: [Interpretation]  
24 Mr. Visnjic, thank you very much for drawing our  
25 attention to this problem. What we are going to do is

1 that we are going to send the audio and visual tape to  
2 the translation section. The translation section will  
3 check, and if the translation is not correct, doesn't  
4 correspond to the original, then the transcript will be  
5 corrected.

6 MR. VISNJIC: [Interpretation] Thank you very  
7 much, Your Honour.

8 JUDGE RODRIGUES: [Interpretation] Thank you  
9 too.

10 Before adjourning, Mr. Harmon, in order to  
11 see how we are going to work until the end of the week,  
12 where do we stand in relation to the witnesses here  
13 present in The Hague. Are we going to have a chance to  
14 hear them? Are we running the risk of leaving a  
15 witness from the end of the week until I don't know  
16 when we meet again. So could you give us some  
17 information, Mr. Harmon?

18 MR. HARMON: We anticipate completing the  
19 testimonies of the witnesses, of all of the witnesses  
20 who are here at The Hague, by Friday. In fact, we may  
21 end up short of time in which case, we are prepared to  
22 present different types of evidence to the Chamber to  
23 complete the trial day.

24 We have three witnesses remaining.

25 JUDGE RODRIGUES: [Interpretation] Very well.

1 What I would like to avoid is to have witnesses whom we  
2 have to send back because we can't hear them or to have  
3 a witness who would have to be half finished.

4 As it is 2.30, if you have other evidence in  
5 addition to witnesses, it would be a good idea to  
6 present that evidence to make use of the time.

7 As you know, we have a Status Conference  
8 tomorrow at quarter past two. Perhaps I need to warn  
9 the interpreters that we may be working a quarter of an  
10 hour longer tomorrow. That's enough for today.

11 Witness N, you will stay here. We will be  
12 continuing your testimony tomorrow. I hope you will  
13 have a restful evening.

14 A. Thank you Your Honour.

15 --- Whereupon the hearing adjourned  
16 at 2.33 p.m., to be reconvened on  
17 Thursday, the 13<sup>th</sup> day of April, 2000,  
18 at 9.30 a.m.

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